

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

SMYTH COUNTY PLANNING COMMISSION

Thursday, August 24, 2023

The Smyth County Planning Commission met in their regular meeting on Thursday, August 24, 2023, at 6:30 P.M. in the Smyth County Office Building.

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

Commissioners Absent: David Spence, Saltville District

Staff Present: Becca Creasy

At approximately 6:30 p.m. Mrs. Wagoner called the meeting to order.

Adoption of Agenda: Mrs. Wagoner opened the floor for motions to approve the agenda as presented. Mr. Dean made a motion to approve the agenda which was seconded by Ms. Meadows, with the following vote recorded.

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

Minutes: Mr. Shepherd made a motion to approve the minutes of the Thursday, July 27, 2023, meeting. Mr. Campbell seconded the motion, and the following vote was recorded.

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

Citizen's Time: None present.

Other Business: Ms. Creasy updated the Commission on the Board's approval of Hobert Widener's SUP to expand his Automotive Sales and Service business and the text amendments to add *Battery Storage Facility/Energy Storage Facility* and *Wind Energy Facility* to the County's Zoning Ordinance. She further informed the Commission of the Board's decision to table, until their regular meeting in October, the PC's recommendation to approve Clean Footprint's request for a Special Use Permit to construct a *Solar Energy Facility* on the Spence property located on Cedar Branch Road in Saltville and their decision to table the text amendment to add Games, Arcade "Skill" Gaming awaiting information on taxes, etc.

Recess: At approximately 6:40 p.m. with no other comments or questions from the Commissioners, Mrs. Wagoner recessed the Planning Commission's meeting until their 7:00 p.m. joint public hearing with the Board of Supervisors.

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

Board Members Present: Charles Atkins, Chairman, Atkins District; Roscoe Call, Saltville District; Mike Sturgill, Chilhowie District; Kris Ratliff, Park District and Courtney Widener, Royal Oak District

Board Members Absent: Phil Stevenson, North Fork District; and Lori Deel, Vice-Chairperson, Rye-Valley District

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

Commissioners Absent: David Spence, Saltville District

Staff Present: Shawn Utt, County Administrator; Clegg Williams, Assistant County Administrator - Development; Lisa Richardson, Assistant County Administrator – Operations-HR; Scot Farthing, County Attorney; Becca Creasy and Auna Louthian, Administrative Assistants

Others: Stephanie Porter-Nichols of Smyth County News, representative from Smyth County Sheriff's Office and approximately three citizens were present

8/24/2023 7:04 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order.

8/24/2023 7:05 PM Roscoe Call made a motion to forgo reading the rules of procedure for public hearings which was seconded by Mike Sturgill and unanimously carried.

8/24/2023 7:06 PM Clegg Williams read the legal ad.

**BEFORE THE SMYTH COUNTY BOARD OF SUPERVISORS AND
SMYTH COUNTY PLANNING COMMISSION**

The Smyth County Board of Supervisors and the Smyth County Planning Commission will conduct a joint public hearing on Thursday, August 24, 2023, at 7:00 P.M. or as soon after 7:00 P.M. as the following application(s) may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following application(s) to the Zoning Ordinance of Smyth County, Virginia:

A special use permit application from Robert de Camara and Sharon Hayden to expand an airport by constructing an airplane hangar at 592 South Fork Road in Marion, Virginia, further identified as Tax Map No. 67-A-45 and zoned Agricultural/Rural.

At this public hearing, subject to the rules of procedure of the Board of Supervisors and Planning Commission of Smyth County, Virginia, any person may appear and state his/her views thereon.

Copies of the application along with their maps/drawings are on file in the Office of the County Administrator of Smyth County and may be seen upon request. Copies are also maintained by the County Zoning Administrator at the address given above and may be viewed upon request during regular business hours Monday through Friday.

In compliance with the Americans with Disabilities Act, persons requiring special assistance to attend, and participate in this hearing should contact Clegg Williams, ADA Coordinator, at (276) 706-8315 at least 48 hours prior to the hearing.

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>.

Done by order of the Board of Supervisors and the Planning Commission.

Shawn M. Utt, County Administrator
Hazel Wagoner, Chairperson of the Planning Commission

8/24/2023 7:05 PM Mr. Williams presented an application from Robert de Camara and Sharon Hayden to expand their airport by constructing an airplane hangar. He stated it would be located on a tract of land formerly addressed as 592 South Fork Road; it is zoned agricultural/rural and is further identified as tax map number 67-A-45. He stated, in accordance with State Code 15.2-2204, notice of this hearing was advertised in the Smyth County News on August 12 and 19. In addition, notification was sent to each of the adjoining property owners by first class mail. He indicated he did not receive any comments or questions regarding the application. He pointed out Section 3-2.2 (fff) which allows *airports* in the Agricultural/Rural district by issuance of a special use permit and Article 6 which contains the provisions for Special Use Permits. He directed particular attention to Section 6-2.3 which contains provisions that must be met prior to any SUP being approved. He also noted the 2013 Comprehensive Plan identifies this property as Rural Residential on the Future Land Use Map.

8/24/2023 7:07 PM Both Robert de Camara and Sharon Hayden were present to address comments or questions. Mr. de Camara said they would like to build the hangar so the airplane would be closer to their home and protected. He explained he moved the building site from its originally proposed location since they are limited to where they can build due to the conservation easement and to move it further away from neighboring properties.

8/24/2023 7:10 PM Several Commissioners asked questions about the plans and future use of the hangar. Mr. de Camara stated they will not store a large amount of fuel in the hangar, this is only a hobby and they do not intend to start a business of flying individuals to the property to stay overnight in the hangar.

8/24/2023 7:13 PM Discussion between the applicants, Board members and Commissioners ensued about the location and building plans. Mr. de Camara explained the opening of the hangar would be facing south, location of the utilities, and septic system of the demolished house. Ms. Hayden spoke up to further explain the location of the driveway to the demolished house and to state that they have not hired anyone to build or grade the site.

8/24/2023 7:20 PM Mr. Willimas discussed the setback requirements that would be required if the application is approved.

8/24/2023 7:22 PM Lea Meadows inquired as to whether the applicants plan to use the residential section of the building as an Air B&B and if other pilots will be able to come there to stay. Mr. de Camara said there are no plans for it to be used as an Air B&B and thought it would be nice to have a restroom and area to rest while on the property.

8/24/2023 7:23 PM Because the residential and agriculture portions of the building are allowed "by-right", Ms. Hayden stated the hangar should be the only thing being considered during the public hearing. She restated The Virginia Outdoor Foundation has restrictions on this property due to the conservation easement and they are limited to locations.

8/24/2023 7:25 PM Mike Sturgill asked why they chose this location. Mr. de Camara stated they wanted the view of its location and explained moving it West would be towards the runway and moving it North would be closer to Ms. Odle's property line.

8/24/2023 7:30 PM Ms. Hayden stated the VDOF could approve any site between Ms. Odle's boundary and the site of the recently demolished dwelling.

8/24/2023 7:32 PM Veda Odle signed up to speak. After reiterating Mr. de Camara's comments on his desire to locate the hangar on the site of his property with the best view, she asked how that would affect her view of the area. She continued by asking why she should have to give up her view. She reminded the attendees of statements and information from the original public hearing for the Airport. She asked that the Board require the applicants move the hangar closer to the utilities if they are inclined to approve their request. She pointed out the Comprehensive Plan discusses the Rye Valley District as prime agricultural land, and they should protect it from conflicting and high intensity land uses. She feels the applicants have deteriorated the farmland, she does not think it is safe for her and she read into record Va. Code Section 15.2-4301 (Declaration of policy findings and purpose).

8/24/2023 7:44 PM Sharon Hayden approached the podium, responding to Ms. Odle's comments stating Ms. Odle is not looking at the hangar. She restated that this hearing is not to relitigate the SUP for the airport. The hangar will be approximately 150' from Ms. Odle's fence for her pasture, not her house.

8/24/2023 7:46 PM Tony Dean asked what type of construction they are proposing. Ms. Hayden said the building will be a nice metal barn.

8/24/2023 7:47 PM Lea Meadows asked for clarification on the distance from the old home site to the proposed hangar location. The applicants stated about 130-170 feet.

8/24/2023 7:52 PM Kris Ratliff asked for clarification about the buildings shown on the (2019) aerial maps. The applicants indicated the buildings have been demolished and removed.

8/24/2023 7:56 PM With no additional comments or questions, Mr. Atkins and Mrs. Wagoner closed the joint public hearing. Mr. Atkins adjourned the Board's meeting.

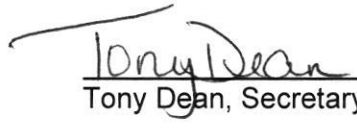
8/24/2023 7:56 PM Hazel Wagoner reconvened the Planning Commission meeting by opening the floor for comments from the Commissioners. Hearing none she asked for a motion.


8/24/2023 7:58 PM Lea Meadows asked if there is a height limit. Mr. Williams explained that the building code regulates heights but doubts that it will be an issue. Mr. de Camara said the hangar will have about a 14' ceiling. Discussion continued with Mr. Williams explaining the building code will only apply to the residential and hangar portions of the building. The agricultural use of the building is exempt from the building code. Ms. Meadows said it sounds like the building will not be any taller than a two-story barn.

8/24/2023 8:00 PM Robert de Camara and Sharon Hayden - recommendation on Special Use Permit for an Expansion to an existing SUP for an Airport (South Fork Road, Marion, Tax Map No. 67-A-45) After reviewing the request and taking into consideration all comments, Mr. Dean felt the application met the standards set out in Article 6-2.3 and made a motion to recommend approval of the special use permit to expand the applicants' Airport which was seconded by Ms. Meadows and the following vote was recorded.

Vote:	5 yeas	Davidson, Dean, Meadows, Shepherd, and Wagoner
	1 absent	Spence
	1 abstain	Campbell

8/24/2023 8:01 PM Graham Davidson made a motion to adjourn which was seconded by Paul Shepherd and unanimously passed.


Tony Dean, Secretary


Becca Cready, Clerk