

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

SMYTH COUNTY PLANNING COMMISSION

Thursday, January 26, 2023

The Smyth County Planning Commission met in their regular meeting on Thursday, January 26, 2023, at 6:00 P.M. in the Smyth County Office Building.

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

Commissioners Absent: Park District, Vacancy

Staff Present: Clegg Williams and Becca Creasy

At approximately 6:00 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. Spence made a motion which was seconded by Mr. Davidson, with the following vote recorded.

Vote: 5 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Election of Officers:

Mr. Spence made a motion to nominate Clegg Williams as the Temporary Chairman and was seconded by Mr. Davidson and unanimously carried.

Chairman: Mr. Williams then opened the floor for nominations of Chairman for calendar year 2023. Mr. Spence nominated Mrs. Wagoner for Chairperson; it was seconded by Mr. Davidson. With no other nominations, Mrs. Wagoner was elected to serve as Chairman for 2023, with the following vote recorded.

Vote: 5 yeas	Campbell, Davidson Jr., Dean, Shepherd and Spence
1 abstain	Wagoner
1 absent	Park District Vacancy

Vice Chairman: Mrs. Wagoner opened the floor for nominations of Vice-Chairman for calendar year 2023. Mr. Spence nominated Mr. Davidson Jr. for Vice Chairman; it was seconded by Mr. Shepherd. With no other nominations, Mr. Davidson Jr. was elected to serve as Vice Chairman for 2023, with the following vote recorded.

Vote: 5 yeas	Campbell, Dean, Shepherd, Spence, and Wagoner
1 abstain	Davidson Jr.
1 absent	Park District Vacancy

Secretary: Mrs. Wagoner opened the floor for nominations of Secretary for calendar year 2023. Mr. Spence nominated Mr. Dean; it was seconded by Mr. Davidson Jr. With no other nominations, Mr. Dean was elected to serve as Secretary for 2023, with the following vote recorded.

Vote: 5 yeas	Campbell, Davidson Jr., Shepherd, Spence, and Wagoner
1 abstain	Dean
1 absent	Park District Vacancy

Clerk: Mrs. Wagoner opened the floor for nomination of Clerk for calendar year 2023. Mr. Spence nominated Becca Creasy; it was seconded by Mr. Davidson Jr. With no other nominations, Ms. Creasy was elected to serve as Clerk for 2023. The following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Set Calendar for 2023: Mr. Spence made the motion to set the meetings for the fourth Thursday at 6:00 or 6:30 p.m. except for November due to Thanksgiving. November's meeting is set tentatively for Thursday, November 16th. Mr. Davidson seconded the motion, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Minutes: Mr. Spence made a motion to approve the minutes of the Thursday, November 17, 2022, meeting. Mr. Campbell seconded the motion, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Adopt Operating Procedures: Mr. Spence made a motion to adopt the operating procedures as presented. Mr. Campbell seconded the motion, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Adopt Annual Report for 2023: Mr. Spence made a motion to adopt the annual report with one correction. Mr. Shepherd seconded the motion, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Ordinance Committee Appointments: Mrs. Wagoner asked for volunteers to serve on the Ordinance Committee for 2023. Mr. Spence, Mrs. Wagoner, and Mr. Davidson Jr. volunteered to serve for 2023.

Mount Rogers Planning District Commission Recommendation: Mrs. Wagoner opened the floor for a recommendation to be appointed to the Mt. Rogers Planning District Commission for 2023. Mr. Spence nominated Mr. Dean; it was seconded by Mr. Shepherd. With no other nominations, a recommendation to appoint Mr. Dean will be forwarded to the Board for consideration.

Vote: 5 yeas	Campbell, Davidson Jr., Shepherd, Spence, and Wagoner
1 abstain	Dean
1 absent	Park District Vacancy

Subdivision Ordinance: Mr. Williams presented a plat from Smyth County Board of Supervisors for review and approval as an exception to the Subdivision Ordinance, (Exception 2.3(5)-five acre lots). He explained the property is the County's transfer station and is currently leased from the Walker and Lewis families. He described how the surveyor is revising the

proposed plat before them to illustrate the right of way extending to the state-maintained road (Highway 107). He hopes the plat with the revision will be completed next week.

Mr. Spence made a motion to approve the plat with the revision to the right of way as Mr. Williams explained and to allow the Chairperson to sign the plat once it is amended. The motion was seconded by Mr. Dean, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Citizens' Time: No citizens were present.

Other Business: None.

Questions/Comments for the Commissioners: None.

Recess: At approximately 6:37 p.m. Mrs. Wagoner recessed the Planning Commission's meeting until their 7:00 p.m. public hearing.

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

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

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

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

Commissioners Absent: Park District, Vacancy

Staff Present: Shawn Utt, County Administrator; Lisa Richardson, Assistant County Administrator - Operations; Clegg Williams, Assistant County Administrator - Development; Scot Farthing, County Attorney; Becca Creasy, Paula Harvey and Auna Louthian, Administrative Assistants. Stephanie Porter Nichols with the Smyth County News, the applicants, and one citizen were present.

1/26/2023 7:02 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order. Shawn Utt read the advertisement as placed in the Smyth County News and Messenger. Mr. Call made a motion to forgo reading the rules of procedure during public hearings, which was seconded by Mr. Ratliff.

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 joint public hearings on Thursday, January 26, 2023, at 7:00 P.M. or as soon after 7:00 P.M. as each application described below may be heard, in the Smyth County Office Building, 121 Bagley Circle, Marion, Virginia, to consider the following applications to the Zoning Ordinance of Smyth County, Virginia:

1) *An application from US Cellular for a Special Use Permit to erect a Communication Tower on property located near 174 Fullen Lane in Chilhowie, Virginia, further identified as a portion of Tax Map No. 76-A-180. The property is owned by Jordon and Terry Hayes and is zoned Agricultural/Rural.*

2) *An application from Brian and Brandi Cregger for a Special Use Permit to establish a Kennel. The property is located at 164 Gailliot Vista Drive in Marion, Virginia, further identified as Tax Map Nos. 46-A-54C and 46-A-54B and is zoned Agricultural/Rural.*

At these public hearings, 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(s) 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.

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

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

1/26/2023 7:05 PM Clegg Williams explained an application for US Cellular requesting a special use permit to construct a Communication Tower on Fullen Lane in Chilhowie. Mr. Williams identified the property as Tax Map No. 76-A-180 and it is zoned A/R. He noted the additional information required pursuant to Section 4-11 of the Zoning Ordinance was submitted by Pillar Engineering & Surveying. He further stated a notice of the public hearing was advertised in the Smyth County News on January 14 and 21 and a first-class mailing was sent to each of the applicant's adjoining property owners and that his office had not received any comments regarding the application. Mr. Williams highlighted Sections 3-2.2(k), 4-11, 6-2.3 and Article 10 of the Zoning Ordinance as they pertain to this application.

1/26/2023 7:06 PM Emilee Lauer, representing the applicant, US Cellular, joined the meeting through Google meets. Ms. Lauer described the location and size of the proposed tower and stated the FAA and FCC did not require any lighting on the tower as it would not affect any of the existing airports in the County. She stated the tower will be designed for three future carriers to co-locate along with ground area to house their equipment shelters.

1/26/2023 7:08 PM Roscoe Call asked about the proposed lot size. Ms. Lauer said they aren't purchasing the property, instead, they will be leasing a 100 x 100 square foot lot and will be fencing a 40 x 40 square feet area within it for their tower equipment. Mr. Call asked if any other structures are close enough for the tower to cause damages should it fall. Ms. Lauer responded stating the tower is 400 feet from any other structure as required in the Ordinance.

1/26/2023 7:09 PM Courtney Widener inquired about the possibility of other carriers co-locating on the tower. Ms. Lauer stated that US Cellular is the primary carrier but there will be enough room for other carriers to co-locate.

1/26/2023 7:10 PM Chairman Atkins asked if there were any citizens wishing to speak on the application. There was one citizen who stated she was there for observation only and did not oppose the request.

1/26/2023 7:11 PM With no other comments. Mr. Atkins asked Mr. Williams to proceed with the second application to be heard.

1/26/2023 7:11 PM Clegg Williams explained an application from Brian and Brandi Cregger requesting a special use permit to establish a Kennel on their 14 acres of land located on Gailliot Vista Drive in Marion. Mr. Williams stated the property is identified as Tax Map Nos. 46-A-54B and 46-A-54C and is zoned A/R. He further stated a notice of the public hearing was advertised in the Smyth County News on January 14 and 21 and a first-class mailing was sent to each of the applicant's adjoining property owners and that his office had not received any comments regarding the application. Mr. Williams highlighted Sections 3-2.2(g) and 6-2.3 of the Zoning Ordinance as they pertain to this application.

1/26/2023 7:12 PM Brian Cregger was present and spoke about his and his wife's shared love of animals and desire to fulfill the demand of the need for kennels in our area and felt their land was substantial enough to accomplish their goals. He stated his wife, Brandi, is employed at Abingdon Animal Hospital which makes her well experienced to operate a kennel. He stated he had spoken to all of his neighbors and addressed any concerns they may have had. They plan to construct the kennel to aesthetically compare to their newly constructed home which will be approximately 100 yards from the kennel.

1/26/2023 7:14 PM Roscoe Call inquired about the proximity to his closest neighbor's house to which Mr. Cregger replied by stating his closest neighbor is approximately 1/10 of a mile away.

1/26/2023 7:15 PM Charlie Atkins expressed his original concerns of "puppy milling" but after hearing Mr. Cregger's plans he feels much better and is not opposed. Mr. Cregger replied stating it will be a kennel and will not be used as a breeding facility. Mr. Atkins inquired about waste disposal. Mr. Cregger relayed information he received regarding the Health Department nor DEQ not having any requirements but that they plan to compost the waste.

1/26/2023 7:16 PM Mr. Williams interjected comments he received about BMP's being developed by the Health Department and/or DEQ and will hopefully be available very soon.

1/26/2023 7:17 PM Roscoe Call asked about heating the kennel. Brandi Cregger spoke stating they plan to heat and cool the kennel. She then elaborated on her goal to provide services not offered in this area and even hopes to offer extended services like exercising – running, etc. She stated she intends for the kennel to be to a higher scale facility.

1/26/2023 7:19 PM Considering no citizens wished to speak and no other comments Mr. Atkins and Mrs. Wagoner closed the joint public hearing and Mr. Atkins adjourned the Board's meeting.

1/26/2023 7:20 PM **Recommendation on Special Use Permit for US Cellular (Communication Tower)** Mrs. Wagoner reconvened the Planning Commission's meeting and called for a motion on the Special Use Permit request from US Cellular to construct a Communication Tower.

Mr. Spence stated after reviewing the file and taking into consideration all the comments heard during the public hearing, he 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 for a Communication Tower. The motion was seconded by Mr. Davidson, and the following vote was recorded.

Vote:	6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
	1 absent	Park District Vacancy


1/26/2023 7:21 PM Recommendation on Special Use Permit for Brian and Brandi Cregger (Kennel) Mrs. Wagoner called for a motion on the Special Use Permit request from Brian and Brandi Cregger to establish a Kennel.

Mr. Spence stated after reviewing the file and taking into consideration all the comments heard during the public hearing, he 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 for a Kennel. The motion was seconded by Mr. Shepherd, and the following vote was recorded.

Vote:	6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
	1 absent	Park District Vacancy

1/26/2023 7:22 PM Mrs. Wagoner called for a motion to adjourn. Mr. Spence made a motion to adjourn which was seconded by Mr. Shepherd and the following vote was recorded.

Vote:	6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
	1 absent	Park District Vacancy



Tony Dean, Secretary

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

SMYTH COUNTY PLANNING COMMISSION

Thursday, March 23, 2023

The Smyth County Planning Commission met in their regular meeting on Thursday, March 23, 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; David Spence, Saltville District; Tony Dean, Royal Oak District; Paul Shepherd, Rye Valley District; and Robert Campbell, North Fork District

Commissioners Absent: Park District, Vacancy

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. Spence made a motion which was seconded by Mr. Shepherd, with the following vote recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Appointment Update: Ms. Creasy notified Mr. Spence of the Board's approval to amend his reappointment for a two-year term instead of four years as he requested.

Minutes: Mr. Spence made a motion to approve the minutes of the Thursday, January 26, 2023, meeting. Mr. Dean seconded the motion, and the following vote was recorded.

Vote: 6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
1 absent	Park District Vacancy

Comp Plan Update: Ms. Creasy informed the Commission of the remarkable participation of individuals in all eight of the focus groups which were held on two separate days (March 9 and 23). She explained Hill Studio will incorporate the focus groups' comments into a draft and meet with each group again in May to review.

Citizens' Time: No citizens were present.

Other Business: None.

Questions/Comments for the Commissioners: None.

Recess: At approximately 6:35 p.m. Mrs. Wagoner recessed the Planning Commission's meeting until their 7:00 p.m. public hearing.

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

Board Members Present: Charlie Atkins, Chairman, Atkins District; Lori Deel, Vice-Chairperson, Rye Valley District; Roscoe Call, Saltville District (electronically); Kris Ratliff, Park District; Phil Stevenson, North Fork District; Michael Sturgill, Chilhowie District; and Courtney Widener, Royal Oak District

Board Members Absent: None

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

Commissioners Absent: Park District, Vacancy

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

Others: Stephanie Porter Nichols of Smyth County News and Smyth County Sheriff's Office deputy.

3/23/2023 7:06 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order. Shawn Utt read the advertisement as placed in the Smyth County News and Messenger.

NOTICE OF JOINT PUBLIC HEARINGS

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 multiple public hearings 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:

- 1) To consider an amendment to the Zoning Ordinance to exempt Accessory Buildings proposed on a vacant tract of land from obtaining a special use permit when the adjoining tract has a principle building and both tracts are in single ownership. Also being considered are increased setback and size limitation requirements for accessory buildings meeting the proposed exemption.
- 2) To consider adopting an addition to the Zoning Ordinance to allow Solar Energy Facilities by Special Use Permit in the A, A/R, C, and I Districts and to amend Article IV to include additional regulations for Solar Energy Facilities.

The public hearing shall be held on Thursday, March 23, 2023, 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 alouthian@smythcounty.org prior to the scheduled public hearing. Written comments may also be mailed or delivered to County Administrator, 121 Bagley Circle, Suite 100, Marion VA 24354, or by fax to (276) 783-9314. All emails, written comments and faxes must be received by 2:00pm on Thursday, March 23, 2023.

A copy of the proposed amendments being considered are 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 prior to the public hearings.

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

3/23/2023 7:09 PM Clegg Williams briefly explained the current zoning regulations for *Electric Generating or Booster Facilities* and the proposed additional text to allow *Solar Energy Facilities* by Special Use Permit in the Agricultural, Agricultural/Rural, Commercial, and Industrial Districts and to amend Article IV to include additional regulations for Solar Energy Facilities.

3/23/2023 7:11 PM Supervisor Phil Stephenson inquired about which districts would allow Solar Energy Facilities by Special use Permit. He discussed his concerns about rumors and is pleased to see restrictions being proposed, especially decommissioning.

3/23/2023 7:13 PM Commissioner Tony Dean asked if battery storage facilities are included in the proposed text amendment. Mr. Williams stated battery storage facilities would fall under the current definition for *Electric Generating or Booster Facilities*. Mr. Dean expressed his opinion that similar requirements be considered for battery storage facilities. Mr. Williams suggested adding wind and gas fired facilities as well.

3/23/2023 7:15 PM Commissioner Bobby Campbell shared statistics for AEP energy from coal usage and feels fields of solar panels might decrease coal usage slightly.

3/23/2023 7:16 PM Supervisor Mike Sturgill spoke favorably on the proposed text amendment and wants to see the amendment done right and wants it to address everything to ensure everyone is protected.

3/23/2023 7:17 PM Supervisor Stephenson inquired about Erosion and Sediment Control measures. Mr. Williams explained any proposed development is required to comply with the County's Erosion and Sediment Control Ordinance.

3/23/2023 7:18 PM Supervisor Courtney Widener inquired about the minimum size requirement utility scale companies usually pursue. Mr. Williams stated companies typically search for 100-acre, or more, tracts of land. Mr. Widener specifically wants confirmation that companies are typically not interested in small acreage tracts.

3/23/2023 7:19 PM Supervisor Stephenson and Mr. Williams discussed single-family dwellings would not be included in this particular section of the Zoning Ordinance as they would not meet the definitions for small or large facilities.

3/23/2023 7:21 PM Supervisor Roscoe Call voiced his main concerns about appearance and the fact farmers simply have to decline offers from the solar companies if they are not interested.

3/23/2023 7:22 PM Supervisor Stephenson stated his opinions about individuals supporting agricultural uses but also supporting solar energy facilities being a contradiction.

3/23/2023 7:23 PM Chairman Atkins inquired whether bonds for decommissioning are adjusted annually. County Attorney Scot Farthing addressed Mr. Atkins stating bonds for decommissioning are generally reviewed every five years and may be adjusted accordingly.

3/23/2023 7:24 PM Vice-Chairperson Lori Deel stated the marketing materials she has seen for solar facilities have pictures of livestock in fields with solar panels, wondering about the benefits

to farmers. Supervisor Stephenson spoke of financial benefits and stated farmers needed to consider their neighbors and the appearance.

3/23/2023 7:26 PM Supervisor Call spoke on the tax effects for land being taxed as land use. Mr. Williams voiced his opinions that "land use tax" may be affected but didn't feel "Conservation" lands would be affected. Mr. Farthing suggested these tracts may no longer qualify for "land use."

3/23/2023 7:27 PM Supervisor Stephenson pointed out the Special Use requirements need to be met to avoid judicial proceedings and recommends the Planning Commission place every possible restriction on any future approvals.

3/23/2023 7:28 PM Chairman Atkins stated he didn't feel citizens were concerned considering none were present.

3/23/2023 7:29 PM At the closing of discussion on *Solar Energy Facilities*, Mr. Williams proceeded with the next proposed text amendment exempting Accessory Buildings proposed on a vacant tract of land from obtaining a Special Use Permit when the adjoining tract has a principal building and both tracts are in single ownership as well as considering increased setback and size limitation requirements for accessory buildings meeting the proposed exemption.

3/23/2023 7:30 PM Chairman Atkins shared his concerns about individuals selling lots with accessory buildings before houses are constructed on the adjoining lots.

3/23/2023 7:31 PM Mr. Williams discussed some of the issues surrounding jurisdictions are dealing with such as Mr. Atkins' comment and "exempt" accessory buildings being converted into single family dwellings.

3/23/2023 7:31 PM Supervisor Widener asked if specific language needs to be amended. Mr. Williams explained the language is the original language placed in the Zoning Ordinance at its first adoption. Mr. Widener asked Mr. Williams if the proposed amendment will affect non-dwelling units which are not accessory structures, to which Mr. Williams confirmed it will not.

3/23/2023 7:34 PM Mr. Williams gave an example of a vacant lot located across from Applewood Subdivision which is zoned Residential. The applicant applied for a SUP and was ultimately approved. The neighborhood requested the application be denied at the public hearing because the applicant was a dirt track race car driver, and the "accessory building" was going to be used as a garage to work on race cars.

3/23/2023 7:35 PM Supervisors Stephenson and Deel both voiced their opinions that landowners should be allowed to build on their property if they own it.

3/23/2023 7:36 PM Considering no citizens were present to speak and no other comments being made, Mr. Atkins and Mrs. Wagoner closed the joint public hearing. Mr. Atkins adjourned the Board's public hearing.

3/23/2023 7:36 PM Mr. Williams informed the members of US Cellular's request to withdraw their application for a SUP to construct a Communications Tower on Lead Mine Road due to the project being "cancelled" and further stated the St. Clair's Creek Road tower approved in January has been placed "on hold" due to funding and environmental reasons. Several members expressed their disappointment.

3/23/2023 7:38 PM Chairperson Hazel Wagoner reconvened the Planning Commission's meeting to make recommendations on the proposed text amendments.

3/23/2023 7:40 PM Recommendation on proposed text amendment to Zoning Ordinance to allow Solar Energy Facilities by SUP in the A, A/R, C, and I Districts and to amend Article IV to include additional regulations for Solar Energy Facilities Mr. Williams reiterated the requirements for a SUP as stated in the legal ad. Chairperson Wagoner called for a motion. Mr. Spence made a motion to recommend approval of the text amendment and additional regulations as presented for Solar Energy Facilities, which was seconded by Mr. Shepherd and the following vote was recorded.


Vote:	5 yeas	Davidson Jr., Dean, Shepherd, Spence, and Wagoner
	1 nay	Campbell
	1 absent	Park District Vacancy

3/23/2023 7:42 PM Recommendation to exempt Accessory Buildings proposed on a vacant tract of land from obtaining a SUP when the adjoining tract has a principle building and both tracts are in single ownership. Additionally, setback and size limitation requirements for accessory buildings meeting the proposed exemption. Mr. Williams briefly reiterated the proposed text amendment as stated in the legal ad. After brief discussion, Mr. Williams confirmed the consensus of the Planning Commission was to exempt accessory buildings as stated above, no size limitations, and to follow current zoning setbacks pertaining to front, back and sideyard for principal buildings. Chairperson Wagoner called for a motion on the proposed text amendment as stated above. Mr. Spence made a motion to recommend approval of the text amendment as confirmed by Mr. Williams. The motion was seconded by Mr. Dean, and the following vote was recorded.

Vote:	5 yeas	Campbell, Dean, Shepherd, Spence, and Wagoner
	1 abstain	Davidson Jr.
	1 absent	Park District Vacancy

3/23/2023 7:48 PM Mrs. Wagoner called for a motion to adjourn. Mr. Spence made a motion to adjourn which was seconded by Mr. Campbell and the following vote was recorded.

Vote:	6 yeas	Campbell, Davidson Jr., Dean, Shepherd, Spence, and Wagoner
	1 absent	Park District Vacancy



Tony Dean, Secretary

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

SMYTH COUNTY PLANNING COMMISSION
Thursday, May 25, 2023

The Smyth County Planning Commission met in their regular meeting on Thursday, May 25, 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; Lea Meadows, Park District; Tony Dean, Royal Oak District; Paul Shepherd, Rye Valley District; and Robert Campbell, North Fork District

Commissioners Absent: David Spence, Saltville District

Staff Present: Clegg Williams and 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 Mr. Davidson, with the following vote recorded.

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

Appointment: Mr. Williams introduced Lea Meadows who is fulfilling the unexpired term for the Park District. The other Commissioner's introduced themselves and welcomed Ms. Meadows.

Minutes: Mr. Shepherd made a motion to approve the minutes of the Thursday, March 23, 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	David Spence, Saltville District

5/25/2023 6:33 PM BZA Advisory Opinion: Mr. Williams reviewed Section 7-1.6(j) of the Zoning Ordinance that allows the Planning Commission to submit an *advisory opinion* on any matter before the BZA if they wish to do so. He then provided a timeline of events since Robert de Camara's special use permit for an airport had been approved by the Board of Supervisors stating de Camara was approved for a 60' x 2400' airstrip; however, only built 40' x 1400'. He explained the airstrip is currently shorter than the proposed site plan and had it exceeded the proposed site plan he would have had a different opinion. Ms. Wagoner asked for confirmation that the airstrip is shorter than proposed to which Mr. Williams confirmed.

5/25/2023 6:37 PM Mr. Davidson stated he felt the Planning Commission and Board of Supervisors had followed the process and "done their job" and felt they should let the Board of Zoning Appeals do the same and he did not wish to provide an *advisory opinion*. Ms. Wagoner asked Mr. Davidson if that was a motion to which he confirmed it was.

Ms. Veda Odle requested to speak. Ms. Wagoner allowed her three minutes. Ms. Odle stated she felt Mr. de Camara was flying his plane just 30 feet above her house and felt a 1400 foot runway was unsafe.

5/25/2023 6:40 PM After Ms. Odle's time was finished, Ms. Wagoner explained there would not be any decisions made by the Planning Commission at the meeting. With a motion on the table,

Ms. Wagoner asked if anyone wished to second Mr. Davidson's motion. Mr. Shepherd seconded the motion, and the following vote was recorded.

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

Citizens' Time: No citizens present requested to address the Commission.

Other Business: None.

Questions/Comments for the Commissioners: None.

Recess: At approximately 6:42 p.m. Mrs. Wagoner recessed the Planning Commission's meeting until their 7:00 p.m. public hearing.

JOINT PUBLIC HEARING WITH BOARD OF SUPERVISORS

Board Members Present: Charlie Atkins, Chairman, Atkins District; Lori Deel, Vice-Chairperson, Rye Valley District; Roscoe Call, Saltville District (electronically); Phil Stevenson, North Fork District; and Courtney Widener, Royal Oak District

Board Members Absent: Kris Ratliff, Park District and Michael Sturgill, Chilhowie District

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

Commissioners Absent: David Spence, Saltville District

Staff Present: Shawn Utt, County Administrator; Clegg Williams, Assistant County Administrator - Development; Becca Creasy and Auna Louthian, Administrative Assistants

Others: Stephanie Porter Nichols of Smyth County News

5/25/2023 7:06 PM Charles Atkins, Chairman of the Board of Supervisors, and Hazel Wagoner, Chair of the Planning Commission, called the joint public hearing to order. Due to a lack of citizens, reading the legal ad (attached) and rules of procedures during public hearings was forgone.

5/25/2023 7:02 PM Clegg Williams explained the special use permit application for an Event Center from Kermit and Teresa McCall on their property located at 592 South Fork Road in Marion, Virginia. He stated letters were mailed by first-class to the adjoining property owners and he had not received any comments or questions about their application. They propose to provide an outdoor venue for weddings, family reunions, church events, etc. He stated he spoke to VDOT and understands the McCall's have received the information they need prior to issuing a commercial entrance permit. Staff recommends a condition they receive VDOT approval should their application be ultimately approved.

5/23/2023 7:04 PM Kermit and Teresa McCall introduced themselves and explained their intent to establish an outdoor event center to host weddings, reunions and church events, etc. Mr

McCall expressed his gratitude to staff for their assistance through this process. They explained this would generate additional income so they can retire. They stated they both have a professional history and are able to operate a business. They would like their venue to be Christian based and affordable. They then discussed their meeting with VDOT and the requirements they have to meet to be issued a commercial entrance permit. They stated their disagreement with VDOT's decision because there are other events in their neighborhood that generate more traffic but do not have a commercial entrance like the one VDOT is requiring them to install. Mr. McCall stated he measured approximately 405 feet of sight distance up South Fork Road and essentially unlimited sight distance down South Fork Road. They stated they only want to host around twelve events per year, an average of two a month. They indicated there will not be any cooking and renters will be required to have events catered if they choose to do so. They are going to work with VDOT to uncover every avenue to make their event center happen if they are approved.

5/23/2023 7:14 PM Commissioner Campbell asked what VDOT's requirement are. Mr. Williams explained there is a list that VDOT provided to the McCall's. They presented a copy of the list for review.

5/23/2023 7:15 PM Board member Lori Deel stated her opinions about VDOT's requirements being unfair when others are not required to meet the same requirements. She offered her assistance to the McCall's stating she will help however she can.

5/23/2023 7:16 PM Board Member Courtney Widener asked about other businesses, like a barber shop, being required to have a commercial entrance. Mr. McCall said VDOT informed them if you are a commercial business you have to have a commercial entrance. Mr. Widener expressed his willingness to assist the McCall's with VDOT.

5/23/2023 7:17 PM Lori Deel asked who they met with at VDOT. Mrs. McCall stated Pam Heath and Rachael Brown visited the property. Mrs. Deel asked if there was any way the McCall's could apply for an agricultural exemption. Mr. Williams explained VDOT has different entrances and that there isn't one specific commercial entrance; for example, three homes using one entrance is required to meet commercial entrance requirements.

5/23/2023 7:21 PM Mr. McCall stated he learned more from Mr. Williams in ten minutes than he did with VDOT in 50 minutes. They estimate they will be able to generate about \$10,000 annually and simply can't afford to invest \$20,000 to start their business.

5/23/2023 7:23 PM Board member Roscoe Call asked what time they intend to allow events to take place. Mr. McCall said before dark because they do not intend to install lights. Mr. Call asked about alcohol. Mr. McCall stated it would be an alcohol-free facility and there would not be loud music.

5/23/2023 7:26 PM Chairman Atkins stated there were no citizens signed up to speak on their request. He further expressed his opinion that the Board needs to find a way to make it work with VDOT.

5/25/2023 7:26 PM Considering no citizens wished to speak and no other comments Mr. Atkins and Mrs. Wagoner closed the joint public hearing, and Mr. Atkins adjourned the Board's meeting.

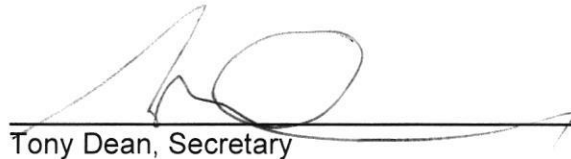
5/25/2023 7:28 PM Chairperson Hazel Wagoner reconvened the Planning Commission's meeting to make recommendations on the proposed special use permit request.

5/25/2023 7:28 PM Kermit and Teresa McCall - recommendation on proposed Special Use Permit for Event Center After reviewing the file and taking into consideration all comments heard tonight, Mr. Dean felt the application meets the standards set out in Article 6-2.3 and made a motion to recommend approval of the special use permit for an *Event Center* upon approval from VDOT as allowed in Article 6-2.4, which was seconded by Mr. Davidson and the following vote was recorded.

Vote: 6 yeas
1 absent

Campbell, Davidson, Dean, Meadows, Shepherd, and Wagoner
Spence

5/25/2023 7:29 PM Mrs. Wagoner adjourned the meeting.



Tony Dean, Secretary