

The Smithfield Planning Commission held its regular meeting on Tuesday, July 14th, 2020 at 6:30 p.m. at the Smithfield Center.

Members present:

Randy Pack – Chairman

Charles Bryan – Vice Chairman

Mike Swecker

Julia Hillegass

Michael Torrey

Members absent:

Thomas Pope

Lilton Marks

Staff members present:

John Settle – Community Development & Planning Director

William H. Riddick, III – Town Attorney

Tammie Clary - Planner

There were approximately three (3) citizens present. Chairman Pack welcomed everyone to the meeting. All in attendance stood for the Pledge of Allegiance.

Community Development & Planning Director's Report:

Mr. John Settle stated that the SUP for True Value was conditionally approved by the Town Council as recommended by the Planning Commission. Town staff received an application for a future land use map amendment, an official zoning map amendment, a special use permit, and a Planning Commission waiver for 19474 & 19502 Battery Park Road. It is a series of properties collectively known as the Mallory Point/Scott Farm property. The specifics of the project would include 1,106 new residential units which would be 410 single family dwellings, 144 duplex units, 224 townhomes, 218 quadplex units, and 110 ten-plex units. The application was received in April. Pursuant to Article 4, staff has a determination of completeness process where staff reviews the applicant's submittal for completion. Staff has been through the send/receive process twice now with the latest revised determination of completeness sent on July 1st, 2020. The applicant is close to having a complete application. At that point, it will be circulated to VDOT, public works, and the Town's consulting engineers, etc.

Upcoming Meetings and Activities:

Tuesday, July 21st, 6:30 PM – Board of Historic & Architectural Review Meeting

Tuesday, July 21st, 6:30 PM – Board of Zoning Appeals Meeting

Monday, July 27th, 3:00 PM – Town Council Committee Meetings

Tuesday, July 28th, 3:00 PM – Town Council Committee Meetings

Tuesday, August 4th, 6:30 PM – Town Council Meeting

Tuesday, August 11th, 6:30 PM – Planning Commission Meeting

Public Comments:

The public is invited to speak to the Planning Commission on any matters, except scheduled public hearings. Please use the appropriate sign-up sheet. Comments are limited to five (5) minutes per person. Any required response from the town will be provided in writing following the meeting.

There were no public comments.

Planning Commission Comments:

There were no Planning Commission comments.

Entrance Corridor Overlay Design Review Application – 13490 Benns Church Blvd. Hope Presbyterian Church Trustees, c/o Duane Crosby, applicant:

The Community Development and Planning Director explained that the applicant wishes to replace the heads on two existing light poles on the premises, in addition to the installation of two new light fixtures onto the front of the building. The lights that will be installed on the light poles will be MaxLite AR Series, Generation 2 LED slim area lights, while the lights that will be installed on the building will be MaxLite FM Series Floodmax lights. Town staff recommends approval as submitted.

The applicant did not attend the meeting.

Mrs. Hillegass made a motion to approve the application as presented. Mr. Swecker seconded the motion. Chairman Pack asked if there was any further discussion.

Vice Chairman Bryan asked if the lights would affect road traffic. Mr. Settle explained that the ordinance addresses excessive up-lighting and lighting that spills onto adjacent properties. Staff determined that neither would be the case for this application.

With no further discussion, Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Major Site Plan Application – Lots 2, 3, 4, & 13A N. Church Street – Hampton Roads Sanitation District, c/o Kenneth Turner, applicant:

Mr. Settle explained that the applicants wish to install an eight inch and ten inch sanitary sewer force main along N. Church Street from Surry to Berry Hill Road where it will connect to the existing Smithfield interceptor. The Virginia Stormwater Management Program Authority has determined that the force main is in compliance with the Virginia Department of Environmental Quality's guidance. The Virginia Department of Transportation will require a land use permit prior to the commencement of any work. Due to the proximity of N. Church Street in the completion of the connection to the Smithfield interceptor, there will be a single lane closure and a flagging operation on N. Church Street to ensure safety. Town staff recommends approval under the condition that the applicants satisfy all of the comments given on their application by VDOT.

The applicant was available for questions from the Planning Commissioners.

Vice Chairman Bryan asked about the duration of the project.

The applicant, Mr. Kenneth Turner, explained that it is a nineteen mile pipeline project that entails three pump stations from Surry to the connection in Smithfield. It will take approximately twenty-four months to complete the project in accordance with the requirements of the consent order issued to HRSD. They are starting on the first nine miles this month along the Dominion Power right-of-way from Surry to Route 10. When that section is completed, they plan to come to the Smithfield end of the project and work north. The timeframe for working along the Dominion Power line is approximately 6 months. There may be several pipeline crews who may start sooner. They are still acquiring all the easements for Isle of Wight County. The Smithfield portion of the project includes the parking lot at Smithfield Foods and across the adjacent property owner's land. He would anticipate two months or less once they get started on the Smithfield portion.

Mr. Torrey asked if it would be a directional drill.

The applicant stated there would be sixteen directional drills from Surry to Smithfield for the overall project. They cross environmentally sensitive areas. None are in the Town of Smithfield. Smithfield will be open cut excavation.

Vice Chairman Bryan made a motion to approve the application as submitted with the condition that the applicant satisfies all conditions given by VDOT before staff's issuance of a zoning permit. Mrs. Hillegass seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: Smithfield Zoning Ordinance (SZO) Section 2.U Text Amendment – Town of Smithfield, applicant:

Mr. John Settle explained that, in recent months, a number of Town residents in the Attached Residential (AR), Multi-Family Residential (MFR), and Residential Office (RO) zoning districts have inquired with Town staff about establishing "professional offices" in their homes. Professional offices are currently classified under Smithfield Zoning Ordinance (SZO) Section 2.U.15.f as home occupation uses. Unfortunately, and pursuant to SZO Sections 3.E.C.13, 3.F.C.18, and 3.G.C.15, home occupation uses are only permissible in the AR, MFR, and RO districts following the successful acquisition of a Special Use Permit (SUP) from the Town Council. In order to ease the burden on residents and prospective business owners, Town staff have initiated a text amendment to Article 2 of the SZO which would allow residents in all zoning districts to establish "professional offices" in their homes without having to obtain an SUP from the Town Council. Additionally, by removing "professional office" from the uses listed in SZO Section 2.U.15 as requiring a home occupation permit, residents will now be able to establish professional offices in their homes without the additional hassle of obtaining a home occupation permit, provided they have acquired a business license from the Town Treasurer's Office, and all other standards applied to home occupation uses are fulfilled. The bulk of the language proposed in this text amendment would appear as SZO Section 2.U.17, which would read: *Nothing in this Ordinance shall preclude an owner/occupant from having a professional office within their home. A professional office shall be excluded from obtaining a home occupation permit from the Planning and Zoning Administrator, so long as a business license is obtained from the Town, and*

all other applicable standards of this Section have been met. At its Tuesday, June 9th, 2020 meeting, the Planning Commission reached a favorable consensus on the application's return for a public hearing at the next regularly-scheduled Planning Commission meeting, so long as language was included in the text amendment allowing for professional office home occupations to enjoy client visits to the home in excess of what is normally associated with a single-family dwelling following the applicants' successful acquisition of an SUP from the Town Council. This language has been added as SZO Section 2.U.18, which would read: *Professional office home occupations may enjoy client visits to the property, in excess of what is normally associated with a single-family dwelling, following the successful acquisition of a special use permit from the Town Council.* Town staff recommends a favorable report to the Town Council.

Chairman Pack asked the Planning Commission if the new language explained it. The Town Attorney stated that it is completely subjective. In order to enforce it, the Planning Commission may need to define it further. Mr. Settle explained that any violation of the ordinance constitutes revocation of the applicant's special use permit. Mrs. Hillegass stated that Town Council will be able to add any conditions they want in the special use permit. Mr. Settle explained that when a special use permit is sent to Town Council they will have a lot of information so they could impose conditions if they choose to. He suggested that it could be changed to say that "professional offices with client visits to the home in any residential dwelling would be required to have a special use permit." The Town Attorney recommended some language to make the professional office/home occupation applicant responsible for not burdening the adjacent property owners. Applicants would not need a special use permit unless they would exceed normal, everyday expected traffic.

Mr. Settle recommended changing the language to state: "Professional office/home occupations may enjoy client visits to the property following the successful acquisition of a special use permit from the Town Council."

Chairman Pack opened the public hearing. He asked if anyone would like to speak for or against the Zoning Ordinance Amendment. Hearing none, he closed the public hearing.

Mrs. Hillegass made a motion to recommend approval to Town Council provided that the words "in excess of what is normally associated with a single family home" is omitted. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Public Hearing: SZO Articles 3.L, 3.R & 10 Text Amendment – Town of Smithfield, applicant:

Mr. John Settle explained that, over the course of the past year, Town staff have been tasked with rigidly interpreting, administering, and enforcing the Town's sign ordinance. In particular, temporary signage has emerged as a high priority concern for Town staff, the Town Council, as well as the general public. Through this task, Town staff have had the opportunity to work with

countless business owners, event organizers, political candidates, and an assortment of community figures- all of these interactions have assisted tremendously in forming Town staff's understanding of the strengths and weaknesses of the existing sign ordinance. Through the input of the aforementioned groups and individuals, Town staff became convinced that the existing sign ordinance was not only in need of revisions- it was in need of replacement altogether. To better serve, enable, and protect the property owners, businesses, and residents of the Town, Town staff propose the complete repeal and replacement of the sign ordinance- Article 10 of the Smithfield Zoning Ordinance (SZO). Additionally, revisions are proposed for Articles 3.L & 3.R of the SZO. Collectively, these amendments to the SZO are intended to achieve the following:

- (1) The consolidation of all language regulating signage into Article 10 of the SZO. Currently, there are three different Articles (3.L, 3.R & 10) in which signage is regulated. This has proven problematic, as property owners in certain zoning districts and overlays seeking guidance on the permissibility of their proposed signage are caused to consult three different Articles for clarification. Articles 3.L & 3.R, the only Articles outside of the sign ordinance addressing signage, are also inconspicuously-named, causing the sign-related language contained therein to appear hidden or conniving. The proposed revisions to these Articles migrate this language into Article 10, effectively turning Article 10 into the "one stop shop" for Town signage regulations.
- (2) Another reason inspiring the replacement of the sign ordinance is the widespread duplication of language contained in the existing ordinance. In many cases, regulations that would apply to all sign types in all zoning districts is restated in each section outlining the restrictions in each zoning district. To shorten the overall length of the sign ordinance, and to make its use less arduous for both Town staff and residents alike, many sections of the old sign ordinance have been removed and noted in the "general requirements for all signs" section of Article 10. The most notorious example of this is the landscaping requirement for detached signs, which is currently referenced once in Article 3.R, and twelve times in Article 10. Under the proposed revisions, it appears only once throughout the SZO.
- (3) The proposed replacement Article 10 will bring the Town's sign ordinance into compliance with the *Reed, et al. v. Town of Gilbert, Arizona, et al. (2015)* decision. As a result of this United States Supreme Court case, sign ordinances are now prohibited from containing any language which may be considered content-based. This decision was decided (in part) to preserve the first amendment rights of Americans when expressing thoughts, opinions, etc. through signage. The most evident language contained in the proposed Article 10 that seeks to remedy the Town's noncompliance with this decision is contained in the "purpose and intent" section of the ordinance. Additionally, any language throughout the ordinance which could be construed as being "content-based" was removed or replaced. The most prevalent example of this is the replacement of language referencing a specific type of sign's content with the phrase "draws attention to".

(4) Finally, and of the most interest to the general public is a sensible relaxation of Article 10, Section G- commonly referred to as the temporary sign ordinance. The proposed revisions to this section will result in the following sampling of relaxed standards:

- a. Applicants for temporary sign permits will no longer need to pay a ten dollar (\$10) fee, regardless of whether or not their proposed signage is for a business or a nonprofit.
- b. Temporary sign permits are only required in the instances in which the proposed signage conflicts with any of the standards contained within Article 10, Section G. This allows Town staff to review each proposed sign on a case-by-case basis to assess whether or not the proposed signage could be injurious to the health, safety, or welfare of the general public.
- c. Off-premises temporary sign permits are not required for the posting of signage at certain “high visibility” intersections in Town, so long as the property owner at that location provides their written consent to the applicant(s), and traffic safety visibility remains unobstructed, among other standards.
- d. Temporary signs may be erected for any duration of time, so long as that duration of time does not exceed a total of six months (continuously or cumulatively) in any calendar year. Under the current ordinance, temporary signs cannot be erected for more than thirty days- after which, the temporary sign must be removed for at least thirty days before a new temporary sign permit must be issued. This cycle cannot occur more than three times a year.
- e. Temporary sign permits are not required for temporary signage not visible from the public right-of-way. Under the current ordinance, these signs are not exempt.
- f. Temporary signs directing attention to matters of personal expression (i.e. political campaigns, religious beliefs, etc.) are finally and officially exempted from requiring a temporary sign permit. Under the current ordinance, these signs are not exempt.
- g. The temporary sign ordinance is now structured in such a way that restrictions are tailored towards specific uses (i.e. car dealerships, farming operations, downtown boutiques, etc.)- it is unfortunate that, from as early as 1998 onwards, the opposite has been a reality in Smithfield.

At the Tuesday, June 9th, 2020 meeting, the Planning Commission reached a favorable consensus on this application’s return for a public hearing at the next regularly-scheduled Planning Commission meeting, so long as the following changes to the text amendment were made:

- (A) The maximum allowable area for “recurring signs” should be increased to six square feet.
- (B) The replacement Article 10 must include a reference to a fee schedule.

Both Planning Commission’s requested changes have been made through SZO Sections 10.C.2 & 10.G.4.f(1). Town staff recommends a favorable report to the Town Council.

Mr. Settle also noted that several new changes appeared in the staff report, all of which were located in the proposed revisions to Article 3.R. These changes were purely technical, and served to direct the future reader to the appropriate language in the new Article 10.

Chairman Pack opened the public hearing. He asked if anyone would like to speak for or against the text amendment changes. Hearing none, he closed the public hearing.

Chairman Pack asked about Section 10.G.4.d(1) on page 10:10 which states that event facilities signs “shall not exceed four square feet.” He asked what defines event facility signs. Mr. Settle explained that event facility signage would be a sign for an event occurring at a venue. He used the Smithfield Center as an example. If at any point, a temporary sign exceeds the provisions of the temporary sign section of the ordinance Town staff simply issues a permit to the applicant. Chairman Pack asked if the signs should be six square feet instead of four square feet. He stated that it would add consistency in the ordinance. Mr. Settle stated that he could change it. Chairman Pack asked about personal expressions signs. The ordinance currently states “personal expression signs shall be exempt from the standards for the months of August through November.” Mr. Settle explained that personal expression signs are mainly political signs. They cannot be called political signs due to the Reed v. Town of Gilbert case. The selected months were added since they are generally campaign season. The Reed v. Town of Gilbert case established that signage could not be regulated based upon their content.

With no further discussion, Mrs. Hillegass made a motion to recommend the changes to Town Council under the condition that the maximum allowable area for “event facility signs” in SZO Section 10.G.4.d(1) is increased to six square feet. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mrs. Hillegass voted aye, Mr. Swecker voted aye, Mr. Torrey voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

Discussion Item – SZO Articles 2.Z Text Amendment – Town of Smithfield, applicant:

Mr. Settle explained that, currently, there is nothing to address short-term rentals in any Town ordinance. With current trends and the influx of Internet-based short-term rental housing markets, homeowners/occupants have the ability to rent their entire house or portions (rooms), for a short period of time. These short-term rentals are usually for a week or weekend. We are aware that there are some short-term rentals currently being operated in Town. This text amendment will function as an avenue for these short-term rentals to legitimize their businesses. Additionally, by requiring a business license for all short-term rentals, residents will be allowed to openly report income for taxation purposes. To better serve and protect Town residents, Town staff propose the following text amendment to Article 2, creating Section Z. This text amendment to the SZO is intended to achieve the following:

- (1) The assurance of compliance with existing public and private legal infrastructure by requiring the operator to obtain a Town business license, assure service by a Virginia-licensed waste management facilities operator, and continued compliance with any

other section of the Town Code and any private restrictions and covenants (i.e. owners' associations, etc.).

- (2) The creation of development standards by limiting the total number of rentable nights per calendar year to 104 nights, the total length of stay to no more than thirty days, and the prohibition of short-term rentals in accessory buildings and structures, among other standards.
- (3) The provision of an avenue for legitimization for those currently operating short-term rentals in the Town by requiring them to obtain a business license, enabling those operators to report their earnings as taxable income, which consequently expands the Town's tax base.
- (4) The empowerment of decision-making bodies (i.e. the Planning Commission and Town Council) by establishing them as stakeholders in the decision-making process- this is done through the proposed language in which short-term rentals not classified as "homestays" are required to apply for a Special Use Permit. This also ensures that there is necessary oversight above the administrative level in this permitting process.
- (5) The creation of necessary avenues for recourse, if violations are discovered.

In order to reach this end, this text amendment imposes provisions that are consistent with other localities, as well as best planning practices suggested by the Virginia State Bar. In order to ensure that these provisions are met, prospective operators will be required to complete, sign, and notarize an affidavit assuring all applicable provisions are adhered to. To remove ambiguity, the terms "short-term rental" and "homestay" will be added to the definitions in Article 13, Section B. A red lined version of the proposed language of this text amendment, as well as a draft version of the proposed short-term rental affidavit, are supplied in the supporting documents.

Chairman Pack stated that he liked the revisions. He wanted to add that the property is certified by the Virginia Department of Health with an annual inspection. The Town Attorney stated that the Virginia Department of Health does not do that.

The Town Attorney asked about the Virginia Waste Management Facilities Operator certification. In most instances, he asked if most collections by the Town through Bay Disposal would comply. Mr. Settle stated that it would. It was added that since trash collection is something citizens can opt-out of, staff fears that not requiring certified garbage collection for short-term rentals and homestays may incentivize prospective short-term lessors to opt-out of local garbage collection as a cost-saving measure. Staff finds violations for trash and debris rather frequently.

Mrs. Hillegass asked if staff knows how many short-term rentals are in the Town currently. Mr. Settle stated that staff suspects there are no less than three. There could be more. Mrs. Hillegass asked if there were any plans to administratively approve short term rentals. Virginia Beach is spending a lot of time reviewing the applications. Mr. Settle stated that the changes to the ordinance would require an SUP if the proposed short-term rental was not a homestay, and/or if it conflicted with any of the proposed development standards. He suggested that he could change the language, for the next meeting, to allow existing short-term rentals to be administratively approved. The

Town Attorney stated that the Town would not have the abundance of short-term rentals that Virginia Beach has.

Mrs. Hillegass asked about accessory structures such as a room over the garage. Chairman Pack read the proposed ordinance which states: “accessory buildings and structures shall not be used or occupied as short-term rentals.” He knows of one in Smithfield. Mr. Settle stated that there is a provision which states “any of the above provisions may be waived by the Town Council upon the issuance of an SUP. Additionally, if there is any uncertainty as to interpretation of these standards between the applicant and the administrator, the administrator may require a SUP.” Chairman Pack asked if it could just be administratively approved. Mr. Settle stated that he could add “as long as the operator provides sufficient evidence that they were operating before the date of the ordinance, Town staff can administratively approve it.” Chairman Pack asked why the Town would want to discourage an accessory structure with an apartment to rent out. Mr. Settle stated that it gets very close to becoming an accessory dwelling or an accessory apartment. There is a different process for those. If someone asked for and received an SUP for short term rentals and sold the property, the new buyer might operate it as an accessory apartment/dwelling.

Mr. Torrey asked what the annual process would be for compliance with the ordinance. Mr. Settle stated that the SUP would cost \$400.00. Staff usually waives the site plan fee which is \$300.00. At the end of the process, the applicant must get a \$75.00 zoning permit. The business license fee is based on their gross annual receipts. The Town Attorney stated that if it is an Airbnb/homestay where the owner lives there then they would not have to get the special use permit. They would have to have a business license only. Chairman Pack stated that the SUP gives the Town additional control to make sure that it is not abused.

Mr. Torrey asked about the wording of “no more than two contracts in a seven-day period.” He explained that he does not feel it needs to be limited to two contracts per week. Mr. Settle explained that, in most cases, places would be leased for the weekend and possibly a couple of days out of the week. It prevents someone from having a constant carousel of renters. The proposed language limits short-term leases to no more than 104 nights in any calendar year. Mr. Settle asked if the Board would like to remove the proposed Section 2.Z.1.c altogether. Mr. Torrey felt it could be removed.

Vice Chairman Bryan asked about fire safety. Mr. Settle stated that he would check with the Virginia Department of Health to see what the requirements are for fire safety.

Chairman Pack stated that the proposed Section 2.Z.1.f states: “the operator of the short-term rental shall remain liable for all taxes that may be owed.” He would like to see the inclusion of the transient occupancy tax which is currently 6%. It will be a reminder to the operators that they have to pay occupancy taxes. Mr. Settle stated that he would make the change.

The Town Attorney suggested that the wording of the proposed Section 2.Z.1.e be modified to say, “accessory buildings/structures shall not be used or occupied as short-term rentals unless the primary residence is occupied by the property owner.” Chairman Pack suggesting adding “and

one per property.” There was much discussion among the members of the Planning Commission as to the proposed wording of this Section. Chairman Pack stated that he was okay with it as written because it does provide a way around it. The whole point of having an SUP option is to allow the Town to go into unique circumstances and restrict as appropriate but still allowing the homeowner to do it without abusing it. The Town Attorney stated that, for clarity purposes, it should say “except upon the issuance of a special use permit.” Councilman Pack agreed.

Mr. Settle clarified that, by next month, staff will return showing the following changes: the elimination of the proposed Section 2.Z.1.c, the amendment of the proposed Section 2.Z.1.e to include “except upon the issuance of an SUP by the Town Council”, the amendment of the proposed Section 2.Z.1.f to say “to include the transient occupancy tax”, language must be incorporated into the proposed text amendment in which existing short-term rentals operating prior to the date of adoption of the proposed SZO Section 2.Z and which conflict with the standards contained therein may be approved administratively by Town staff following the operators’ submittal of satisfactory evidence to Town staff that they were operating prior to the date of adoption of the proposed SZO Section 2.Z, and Town staff must consult with VDH to ascertain whether or not they have any role in the process of permitting and inspecting short-term rentals. If they are found to have involvement in this process, the proposed SZO Section 2.Z must be updated to reflect this.

Vice Chairman Bryan asked about the fire safety issue again. The Town Attorney explained that if someone rents a house in the Outer Banks they are not inspected except when the Certificate of Occupancy was issued. It is never inspected again for anything; not health, not fire, not anything. Chairman Pack stated that the management company takes care of some of that just as a good business practice.

The Planning Commission reached a favorable consensus on the application’s return for a public hearing at the next regularly-scheduled Planning Commission meeting so long as the changes noted by Mr. Settle were incorporated into the proposed language.

Discussion Item – SZO Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, & 3.H Text Amendment – Town of Smithfield, applicant:

Mr. John Settle reported that, due to Smithfield Town Code (STC) Section 82-45, as well as the nature of ground source heating, ventilation, and air conditioning (HVAC) systems that require wells for operation, Town residents, prospective residents, and contractors are encountering situations where they cannot replace or install their ground source HVAC systems without first obtaining a Special Use Permit (SUP) from the Town Council. STC Section 82-45 reads: *Where a public water supply is available in the town it shall be unlawful to connect a residential or commercial structure to a private well or other water supply except as may be approved by the town manager on a temporary basis or by approval of a special use permit in accordance with the provisions of the town’s zoning ordinance.* In order to ease the burdens and frustrations of prospective applicants, Town staff have generated a text amendment to Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, 3.G, and 3.H of the SZO, which would allow residents in all residential

zoning districts to utilize wells for ground source HVAC systems, by right, without having to obtain an SUP from the Town Council. The language proposed in this text amendment would appear in tandem with the irrigation well use that appears in Section B, "Permitted Uses", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G of the SZO. Additional language proposed in this text amendment would add wells for ground source HVAC systems to Section I, "Additional Regulations", in Articles 3.A, 3.B, 3.C, 3.D, 3.E, 3.F, and 3.G. Lastly, for reasons unclear to Town staff, irrigation wells were not included as a permitted use in the Downtown zoning district. This is a mixed-use district with a high concentration of residential properties. This text amendment would add irrigation wells and wells for ground source HVAC systems to Article 3.H, Section B, "Permitted Uses", in addition to Section I, Additional Regulations." A red lined version of the text amendment is included in the supporting documents.

Chairman Pack asked if there were any questions on the amendments.

The Planning Commission reached a favorable consensus on the application's return for a public hearing at the next regularly-scheduled Planning Commission meeting.

Approval of the Tuesday, June 9th, 2020 Meeting Minutes:

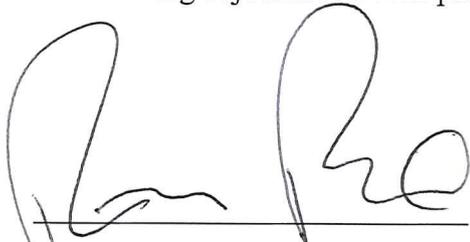
The Town Attorney recommended the minutes be approved as presented. Mrs. Hillegass made a motion to approve the minutes. Mr. Torrey seconded the motion. Chairman Pack called for the vote.

On call for the vote, five members were present. Mr. Torrey voted aye, Mrs. Hillegass voted aye, Mr. Swecker voted aye, Vice Chairman Bryan voted aye, and Chairman Pack voted aye. There were no votes against the motion. The motion passed.

2020-2021 Planning Commission Group Photograph:

Chairman Pack recommended waiting until August since two members were absent. The group photograph will be rescheduled.

The meeting adjourned at 7:42 p.m.



Mr. Randy Pack - Chairman



Mr. John Settle – Community Development
& Planning Director