

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**January 8, 2019**

**Members Present**

Bernie Miller, District 1	Paul Otto, District 1
Donnie Middleton, District 2	Steve Atkins, District 2
Keith Weakley, Vice Chairman, District 3	James Turner, District 3
James Holsinger, Secretary, District 4	Duane Painter, District 4
Jonathan Comer, Chairman, District 5	Craig Lancto, District 5

**Members Absent**

None

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Comer called the January 8, 2019 Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*.

**Adoption of Agenda**

Mr. Miller made a motion to approve the agenda as presented. The motion was seconded by Mr. Holsinger. The motion passed unanimously.

**Public Hearing**

None

**Citizen Comments on Agenda Items**

**Joe Winslow-** Mr. Winslow began by thanking the commission for all their hard work, especially during the solar debate. There are lots of people in the county saying lets be apart of the coming wave to improve the environment. Mr. Winslow stated he felt they could all do those things without putting in a massive installation of panels. We need to consider roof top and properly sited locations, state and federal subsidies, etc. There are ways we can meet that requirement and be new age leaders, economic leaders, climate leaders, etc. Mr. Winslow noted he had a small research firm and would be happy to offer services to the commission to assist with the solar ordinance process.

**New Business**

**A. Adoption of Minutes- September 11, 2018, November 13, 2018, November 27, 2018, & December 11, 2018**

Mr. Otto noted he was at the December 11, 2018 meeting. Mr. Lancto made a motion to approve the September 11, 2018, November 13, 2018, November 27, 2018, & December 11, 2018 minutes as amended. The motion was seconded by Mr. Otto. The motion passed unanimously.

**B. "Guesthouse" Definition Discussion**

Ms. Clatterbuck began by stating this item had briefly been discussed amongst the commission a few months ago. At that meeting, Mr. Otto requested staff find out how or if the Towns of Luray, Stanley, and Shenandoah permitted guesthouses. Staff has provided that information in the packet.

As a reminder, Ms. Clatterbuck explained that when the "guesthouse" definition was added in June 2005, it was defined as "A one- to two-bedroom structure designed to complement the permitted principal residential structure. Only one guest house shall be allowed on any lot, tract or parcel of land, and cannot be rented or sold separate from the permitted principal residential structure." Guesthouses are currently allowed as "Permitted accessory uses located on the same lot with the permitted principal use" in the following zoning districts: Woodland-Conservation, Agriculture, and Residential. When an applicant applies for a "guesthouse" structure, an owners affidavit is required stating that they will comply with the above listed definition.

These are not tracked for compliance (specifically related to the rental use). If a complaint is received regarding illegal use (renting) of a permitted guesthouse, they are very difficult to prove. Most owners don't advertise the rental knowing the requirements. Staff is recommending that the definition be amended by striking "rented" so the definition would read as follows: "A one- to two-bedroom structure designed to complement the permitted principal residential structure. Only one guest house shall be allowed on any lot, tract or parcel of land, and cannot be ~~rented or~~ sold separate from the permitted principal residential structure." It is staff opinion that since the county allowed them by-right in 2005 with no restrictions, as far as zoning is concerned, we should not regulate if they are renting them for income. They are only allowed one guesthouse per lot; therefore, we don't have to worry about multiple guesthouses being constructed on one lot to create a whole cluster of homes. Also, guesthouse are only allowed if the zoning district setbacks can be met, along with Health Department approval for well/septic.

Mr. Miller asked if they were using shared well and septic typically, and Ms. Clatterbuck confirmed. Some situations require system upgrades and some do not. It just depends on what the septic is designed for, and Mr. Holsinger agreed.

Mr. Otto stated he was a part of the committee that worked on this back in 2005. The intent or concern was that guesthouses could be a way to proliferate dwellings in the A-1 and W-C districts, which if taken advantage of in scale would create problems as far as county services. Residential dwellings should be geared closer to the towns rather than taking up A-1 land. That was the main reason they didn't want them to be available for rental (thinking fulltime rental). His suggestion would be that they be allowed for short term rental rather than long term rental. Mr. Holsinger stated some would prefer a long-term stable renter rather than short term renters. Mr. Otto stated It would benefit the county to be more vigilant because the county is losing tax money if these owners are not reporting it. Mr. Otto recommended against striking the rented portion completely.

Mr. Weakley stated he had no issue with the way it was being proposed. If an owner has the opportunity, he didn't understand why we wouldn't allow them to do it.

Chairman Comer asked if there were any other supplemental regulations regarding guesthouses and Ms. Clatterbuck noted the only regulation was what the definition stated.

Mr. Holsinger stated that if they made the change as presented, they could also consider additional regulations for guesthouses such as square footage limitations, license requirements, etc.

There was discussion amongst the commission about short term rentals vs. long term rentals. Short term rentals require a business license while long term rentals do not require a business license per Mr. Turner.

Chairman Comer stated from a banking perspective, if we make the change and allow people to do this, it will be a way to bypass the five year subdividing delay. Or they will come to the Board of Zoning

Appeals requesting that the main house and guesthouse be subdivided due to a change in the family situation. Mr. Turner pointed out that the BZA has certain reasons dictated by state code that they can grant a variance. Granting a variance such as that would not be considered a hardship and they also cannot grant it for financial gain reasons.

After further discussion, it was requested that staff pull the following ordinances: Bath County, Rappahannock County, Clarke County, and Nelson County. The commission requested this item be put back on the next agenda for further discussion.

### Unfinished Business

#### A. Solar Ordinance Committee Report

Mr. Lancto first began by noting that when the subcommittee was formed, two members were chosen that were in favor of the pending solar applications and two members were chosen that were opposed to the pending solar applications. He also clarified that the pending special use permit applications for solar facilities have nothing to do with what the subcommittee will be working on.

Mr. Lancto continued stating that staff had provided the information that was requested on the hydroelectric dams in the county. The committee will review that information. The committee is leaning toward requiring a special use permit in the designated zones rather than by-right. They are also researching and considering the following: whether to define large or small facilities by output or geographical features, how other counties define large and small facilities by acreage, defining them by voltage, not making an ordinance that is going to forbid or overly restrict what is currently allowed in the ordinance, safety considerations, viewshed consideration, setbacks, etc. The subcommittee needs technical assistance to decipher through all of this. Mr. Holsinger suggested that staff invite someone that has residential solar to the next subcommittee meeting so that the committee can question them to try to get a better understanding. Staff is working on gathering contacts to invite. Mr. Otto is working on the Comp Plan subcommittee as well which first needs to determine how they plan to incorporate solar which will set the tone for the solar ordinance. The next subcommittee meeting is scheduled for January 15<sup>th</sup>, 2019 at 1:00 p.m.

#### B. Comp Plan Committee Report

Mr. Otto stated the committee is still working on revisions to Volume Two of the Comp Plan. The next meeting is scheduled for tomorrow at 3:00 p.m. At the last meeting, they discussed how they planned to handle the review of Volume One once Volume Two was completed, and determined they would review each chapter, arrange stakeholder input, enter that input into their own commentary, and create a draft for review.

Mr. Lancto asked how the subcommittee planned to address solar in the Comp Plan. Mr. Otto replied that they would address it as soon as possible. They do have other counties Comp Plans that they are looking at for guidance.

#### C. Subdivision Committee Report

No Report

### Open Citizen Comment Period

None

### Chairman's Report

No Report

### Clerk's Report

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Ms. Clatterbuck stated that Jared Burner had been appointed to the commission to take the place of Mr. Turner who is no longer interested in serving. Ms. Clatterbuck thanked Mr. Turner for his service on the commission.

Ms. Clatterbuck noted that a new special use permit for a banquet/event facility would be presented at the next meeting.

Adjourn

Chairman Comer adjourned the meeting at 8:30 p.m.

  
Jonathan Comer, Chairman

  
Jamie Holsinger, Secretary