

Minutes
Board of Supervisors
Work Session
February 7, 2017

Members Present: Johnny Woodward, Chairman At-Large
David Wiatrowski, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Dorothy Pendley, District 5

Absent: D. Keith Guzy, District 1

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Nathan Miller, County Attorney

Call to Order:

Chairman Johnny Woodward called to order the work session of the Page County Board of Supervisors on February 7, 2017, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA. The Call to Order was followed by the *Pledge of Allegiance* and Invocation given by Chairman Woodward.

Chairman Woodward said Don Komara was unable to attend the meeting to present the VDOT Quarterly Update, due to a conflict.

Public Hearing – Zoning Ordinance Amendment to Woodland Conservation and Agriculture Districts:

EXHIBIT A

Chairman Woodward opened the public hearing on the Zoning Ordinance Amendment to the Woodland Conservation and Agriculture Districts at 7:07 p.m.

Michelle Somers, Zoning Administrator, reviewed the staff report and said the Zoning Ordinance was recently amended, which affected certain uses permitted in the County's different zoning districts. The Code now identifies and defines certain uses which makes the Code business friendly, user friendly, and provides for planned development. While most of the County is zoned A-1 (Agriculture) and W-C (Woodland-Conservation) this amendment would allow more uses within those districts while preserving the County's rural character. The purpose of the Woodland-Conservation District is to conserve the rural atmosphere, open space and scenic landscape of the area. This district is occupied by mountain areas, heavily forested areas and other open spaces. When reviewing the current permitted uses and those allowed by special use permit, staff is recommending adding cabin rentals and hostels as by-right uses. In addition, it is recommended that banquet facilities, event facilities, auto repair services/public garage, and indoor/outdoor shooting ranges be added to the uses requiring a special use permit, due to the nature of their activities. Special use conditions can be applied to the

permit to help protect the intent of the district, allow consideration for adjoining properties, while still supporting local economics.

The Agriculture (A-1) district's purpose is intended to preserve the character of those portions of the County where agricultural and other low intensity are predominate. As agricultural land is a primary resource and an economic asset of the County, it must be preserved to the greatest extent. The proposed changes to this district include add by-right: hostels and cabin rentals. Additional proposed changes allowed by special use permit are: banquet facility and event facility, farmers market, greenhouse, self-storage unit, farm implement sales with or without service facilities, indoor and outdoor shooting ranges, auto repair service facility/public garage, brewery, and winery. Conditions can be applied to help protect the district, the adjoining property owners and still support local businesses. Mrs. Somers pointed out that after research, there is pending legislation in the General Assembly and it is recommended that air bed and breakfast establishments be added to uses permitted by special use permit rather than allowed by-right, as was advertised.

Public Comments:

There were no speakers during the hearing.

Chairman Woodward closed the public hearing at 7:11 p.m.

Supervisor Wiatrowski asked the difference in a bed and breakfast and a cabin rental. Mrs. Somers explained that a bed and breakfast has the owner living on the property where a cabin does not.

Motion: Supervisor Stroupe moved to approve the proposed code amendments to the sections of Woodland Conservation and Agriculture zoning in the Page County Code, with the amendment that Air Bed and Breakfast establishments are allowed by a special use permit. Supervisor Foltz seconded and the motion carried by a vote of 5-0. Aye: Woodward, Wiatrowski, Stroupe, Foltz, Pendley. Nay: None. Absent: Guzy.

Presentation of FY2016 Audit:

James Kelly, Auditor with Robinson, Farmer, Cox Associates, said that there were no material adjustments to the financial statements and that they are fairly presented and materially correct. He said they are required to test compliance with State and Federal guidelines. The Federal programs audited this year were Medicaid, Child Nutrition Cluster and the School Fund and no incidence of reportable non-compliance was found. The financials were done in the accrual basis which means that all assets as well as all debt is shown on the balance sheet. The County ended up with a deficit of \$9.6 million of which \$8 million is attributed to the County's landfill estimate for closure and post closure cost, and VRS net pension liability. The County received an increase of \$696,000 in this net position, revenues were \$37.8 million and expenses were \$37.1 million. The governmental activities of the County ended the year with liabilities of almost \$70 million, which is a decrease of about \$2 million due to paying down debt. The ending fund balance of the governmental fund was \$6.7 million, which is a

decrease of \$2.2 million compared to the prior year fund balance, which was due to the transfer for the landfill cell project. The unassigned fund balance was \$5.6 million, which is about 18% of the annual budgeted expenditures. Mr. Kelly showed a slide presentation to help explain the percent of unassigned fund balance and revenue collections and budgeted projections. He said \$700,000 more was collected than was budgeted which gave a positive variance in the revenue, which was mainly attributed to the increase in property tax revenue. The County budgeted \$32 million and only spent \$31.3 for FY2016. He pointed out that 94% of the property taxes were collected in FY2016.

Report from the Shenandoah Valley Small Business Development Center:

Joyce Krech, Director of the Shenandoah Valley Small Business Development Center, said that over the past six months they have been working on making a stronger presence in relationships with the towns, local organizations and key people throughout the County. Sarah Levinson has met with each of the town managers, Stephanie Lillard, Director of Community & Economic Development, People Inc., the Luray Downtown Initiative, Stanley Library, the banks and many more people throughout the community. She continued to say that Page County did a wonderful job with the Small Business Saturday and congratulated the community for the focus they had in recognizing small businesses. One of the key goals over the past several months was to connect and support the three towns in their own business development activities. She said they now have information in all three town offices on how to get started with a new business and how to connect with the small business development center in their locality. She noted that Ms. Levinson is meeting folks in the towns and county as opposed to them driving to the main office in Harrisonburg. They held an open forum in the Town of Shenandoah to discuss the town's assets and the obstacles for business there. As a result, they are working with a group of business owners in the Town of Shenandoah to help move their economy forward. In Luray, they helped the Town move forward on the former Brown's Restaurant building project, securing a grant for cosmetic repairs on the outside of the building and researching resources for funding to rehabilitate that property. Currently, they are working with the Page County Schools and local businesses to launch the young entrepreneurship program. A grant was received to help fund this project so it's free of charge for the youths involved in the program. She thanked Lord Fairfax Community College and the Hawksbill Trading Company for their efforts with the program. She said that businesses are finally getting in touch with them for assistance in many areas.

Report on the Special Use Permit Application for Hirsch:

Stephanie Lillard, Director of Community & Economic Development, said that Mrs. Hirsch submitted a business license application for a wedding venue. This application could not be approved as received for several reasons, primarily because it was prohibited by the current Zoning Code. The Board passed the amendment to the Zoning Ordinance so the new application for special use is ready to move forward. The Virginia Department of Transportation (VDOT), Health Department and Building Official have no objections at this time. The entryway has been improved some, but more will need to take place in order for delivery trucks to come in and out.

Chairman Woodward expressed concern that the road cannot handle the extra traffic generated by a wedding venue. Mrs. Lillard said Mrs. Hirsch will be advertising the venue to hold 100-125 people, which is the proposed capacity. VDOT has said if Mrs. Hirsch has 100-125 every weekend, for the whole year, the traffic generated would be equal to three new residences on the road. Chairman Woodward also indicated concern with how it will impact farmers when a wedding is taking place and the road becomes impassable, due to farm equipment and wedding event traffic using the road at the same time. Mrs. Lillard said that widening the road may have to be a requirement for the special use permit. After discussion, the Board was in consensus to visit the property prior to the public hearing.

Topics for Discussion for the Joint Meetings with the EDA and Planning Commission:

Mrs. Moler said she would like the Board to give her a list of topics to be put on the agenda for the joint meetings with the EDA and Planning Commission. She said the meeting with the EDA is scheduled for March 7th, and the meeting with the Planning Commission is scheduled for April 4th.

After discussion, the Board came up with several topics for both meetings.

Outside Agency Budget Request Meetings:

Mrs. Moler said if outside agencies are requesting the same amount of funding as last year, is it necessary for them to make a presentation to the Board. She suggested that if it's a new organization or if an agency is asking for an increase then they should give a presentation to the Board.

After discussion, the Board was in consensus to hear budget presentations from outside agencies that are requesting an increase.

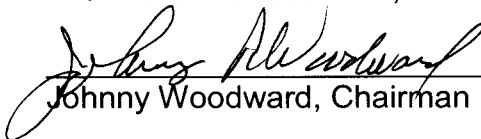
Discussion of Coyote Bounties:

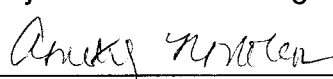
Chairman Woodward said there are currently no available funds to pay coyote bounties. He said if the Board intends to continue to fund coyote bounties then the Board needs to take action to do so. He said that he will ask the Farmer's Association for matching funds.

Motion: Supervisor Foltz moved to approve \$1,000 for payment of coyote bounties, pending the receipt of funds from the Farmers Association of \$500. Supervisor Stroupe seconded and the motion carried by a vote of 5-0. Aye: Wiatrowski, Stroupe, Foltz, Pendley, Woodward. Nay: None. Absent: Guzy.

Adjourn: 8:30 p.m.

With no further business, Chairman Woodward adjourned the meeting.


Johnny Woodward, Chairman


Amity Moler, County Administrator

**ORDINANCE TO AMEND CHAPTER 125-9 (WOODLAND-
CONSERVATION), AND 125-10 (AGRICULTURAL)
OF THE PAGE COUNTY, VIRGINIA CODE**

WHEREAS, by Ordinance duly adopted on September 14, 1989, the Board of Supervisors of the County of Page adopted Chapter 125, Zoning, of the Page County Code; and

WHEREAS, upon mature consideration, the Board of Supervisors has determined it is in the best interest of the County to further amend and restate the ordinance.

NOW THEREFORE, be it resolved and ordained by the Board of Supervisors of the County of Page, Virginia, that Chapter 125 (Zoning) of the Page County Code be amended and restated to read as follows:

§ 125-9 Woodland-Conservation (W-C).

A. Statement of intent. It is the intent of this district to perpetuate the rural atmosphere, open space and scenic landscape of the area. This district is established for the specific purpose of conserving natural resources, protecting fragile environmental areas, reducing soil erosion, protecting watersheds, reducing hazards from flooding and protecting existing farmland. This district covers portions of the County which are occupied by mountain areas, heavily forested areas and other open space uses such as recreation areas, floodplains and farms. The area also contains portions where the depth to bedrock is shallow and presents some limitations to development. The protection of the Shenandoah River is also essential, and because of potential pollution problems due to on-lot sewage effluent, erosion and sedimentation from construction and disturbing of the landscape, the area near the river must remain open in nature.

B. Permitted uses shall be as follows:

- (1) Forest, scenic and wildlife preserves and conservation areas.
- (2) Agriculture.
- (3) Wayside or roadside stand or market.
- (4) Single-family detached dwellings.
- (5) Cemeteries; police, fire and rescue squad stations; other essential public services.
- (6) Portable sawmills, portable chipping mills, and portable shaving mills. [Amended 6-10-2003]
- (7) Bed-and-breakfast establishments, Hostels, and Cabin Rentals.
- (8) Manufactured homes and individual mobile homes. [Amended 9-16-2014]
- (9) Electric facilities operated at 40 kilovolts or less.
- (10) Confined feeding operations pursuant to the requirements of Article VI of this chapter and pursuant to all other provisions of this chapter. [Added 4-8-1991]

(11) Only one permitted principal residential structure shall be allowed on any lot, tract or parcel of land.
[Added 6-21-2005]

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

- (1) Private garage or private parking area.
- (2) Signs pursuant to § 125-20.
- (3) Home occupations pursuant to § 125-15.
- (4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § 125-16.
- (5) Guest house, as defined in § 125-4. [Added 6-21-2005]
- (6) Family day home (less than five unrelated children). [Added 6-16-2009]
- (7) Small system wind energy facility .[Added 10-20-2009]
- (8) Windmill. [Added 10-20-2009]

D. Uses permitted by special permit shall be as follows:

(1) Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes pursuant to § 125-22.

(2) Commercial outdoor recreation areas and facilities: parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, country clubs, golf courses and driving ranges, miniature golf courses; archery; laser tag; paintball; and other similar uses, all pursuant to § 125-22. [Amended 4-12-1993; 5-11-1999; 7-13-1999^[11]]

[11] Editor's Note: Former Section 402.3(c), which immediately followed this subsection and listed confined feeding operations, was repealed 4-8-1991.

(3) Churches and public schools.

(4) Electric facilities operated above 40 kilovolts.

(5) Publicly owned sanitary landfills which meet all federal, state and County requirements and regulations. [Added 12-9-1991]

(6) Outdoor commercial recreation areas and facilities: camps and campgrounds pursuant to § 125-66. [Added 5-11-1999]

(7) Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit. [Added 2-12-2002]

(8) Commercial sawmills, commercial chipping mills, and commercial shaving mills pursuant to § 125-30.4. [Added 6-10-2003]

(9) Commercial workshops, as defined in § 125-4. [Added 12-19-2006]

(10) Veterinarian clinics, pet grooming, boarding and breeding of animals, as defined in § 125-4.
[Added 12-19-2006]

(11) Family day home (five or more unrelated children) pursuant to § 125-30.6. [Added 6-16-2009]

(12) Small system wind energy facility. [Added 10-20-2009]

(13) Windmill. [Added 10-20-2009]

(14) Wholesale businesses and storage warehouses within "confined poultry feeding operation" buildings constructed prior to October 1, 2009. Storage of personal property of the property owner and all agricultural uses are exempt. [Added 4-20-2010]

(15) Banquet Facility and Event Facility

(16) Auto Repair Service Facility / Public Garage

(17) Indoor and Outdoor Shooting Ranges

(18) Air Bed-and-Breakfast Establishments

E. Minimum lot size shall be as follows: area: 1 3/4 acre; width at setback line: 150 feet. Lots on cul-de-sac may have width reduced to 50 feet.
[Amended 6-21-2005]

F. Minimum yard dimensions shall be as follows: front yard: 50 feet, except cul-de-sac lots may be 70 feet; each side yard: 20 feet; rear yard: 50 feet.

G. Maximum coverage and height shall be as follows: maximum building coverage: 15%; maximum height from average grade: 35 feet/2 1/2 stories. All accessory buildings shall be less than the main building in height, except as provided for in § 125-14C.

H. Any new structure designed to be occupied as a residence, church, school, community center or commercial establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § 125-32, Article VI, of this chapter. [Added 6-21-2005]

I. All wells in W-C zoned districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended. [2] A variance may be sought through the Page County Board of Zoning Appeals for a well location closer than 50 feet to the property line if either of the following criteria listed can be achieved: (i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or (ii) certification by the Page County Health Department that no other site on

the property complies with zoning regulations for the construction of a private well. If approved, a Variance Conveyance form, which is part of the Page County Appeal/Variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure. [Added 6-21-2005; amended 12-16-2008; 4-21-2009]

[2] *Editor's Note: See now Code of Virginia, § 3.2-300.*

J. Site Plan. Before obtaining a zoning permit for the uses listed within this district either as a permitted use, accessory use or by special use permit a site plan shall be submitted with the zoning application (prior to construction). The site plan should include:

- (1) Boundary of the parcel with project name, tax map number, and owner name and contact information.
- (2) Building location and setbacks from property lines.
- (3) Parking spaces.
- (4) Proposed signs.
- (5) Lighting with a description.

§ 125-10 Agriculture (A-1).

A. Statement of intent. This district is intended to preserve the character of those portions of the County where agricultural and other low intensity uses predominate. To ensure the success of the above goal, it is necessary to maintain a relatively low density of development. The permitted uses should include mainly agriculture and related uses. Generally, soils in these areas are well-suited for agricultural purposes. As agricultural land is a primary resource and economic asset of the County, it must be preserved to the greatest extent possible. Very low-density development may be permitted in this area, but agricultural preservation is the primary intent of this district.

B. Permitted uses shall be as follows:

- (1) Agriculture.
 - (2) Wayside or roadside stand or market.
 - (3) Forest, scenic and wildlife preserves and conservation areas.
 - (4) Single-family detached dwellings.
 - (5) Cemeteries; police, fire and rescue squad stations; other essential public services.
 - (6) Portable sawmills, portable chipping mills, and portable shaving mills. [Amended 6-10-2003]
 - (7) Electric facilities operating at 40 kilovolts or below.
-

(8) Bed-and-breakfast establishments, Hostels, and Cabin Rentals.

(9) Manufactured homes and individual mobile homes. [Amended 9-16-2014]

(10) Confined feeding operations pursuant to the requirements of Article VI of this chapter and pursuant to all other provisions of this chapter. [Amended 4-8-1991]

(11) Only one permitted principal residential structure shall be allowed on any lot, tract or parcel of land. [Added 6-21-2005]

(12) Town of Luray Wastewater Facility. [Added 3-18-2008]

(13) Distilleries which are licensed by the Commonwealth in accordance with the Virginia Alcoholic Beverage Control Act, or other Virginia laws, as amended, from time to time. There shall be a limit of 5,000 gallons per year. The applicant shall provide a measured site sketch of the property, including but not limited to parking, and the building used to house the operation. Anything above and beyond the gallons allowed or activity allowed will require a special use permit. [Added 9-18-2012]

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

(1) Private garage or private parking area.

(2) Signs pursuant to § 125-20.

(3) Home occupations pursuant to § 125-15.

(4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § 125-16.

(5) Guest house, as defined in § 125-4. [Added 6-21-2005]

(6) Family day home (less than five unrelated children). [Added 6-16-2009]

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(3) Publicly owned sanitary landfills which meet all federal, state and County requirements.

(4) Recreational trailer camps pursuant to § 125-19.

(5) Airstrips meeting all federal, state and County requirements and not to be closer than 1,000 feet from a residential district boundary. All airstrips shall meet requirements as established in § 125-26.^[11]

[11] Editor's Note: Former Section 403.3(f), which immediately followed this subsection and listed confined feeding operations, was repealed 4-8-1991.

(6) Electric facilities operating above 40 kilovolts.

(7) Churches and public schools.

(8) Professional offices, not higher than two stories and not exceeding 5,000 square feet in area, by special use permit. [Added 9-9-1996]

(9) Outdoor commercial recreation areas and facilities: camps and campgrounds pursuant to § 125-66. [Added 5-11-1999]

(10) Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit. [Added 2-12-2002]

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(16) Banquet Facility and Event Facility.

(17) Farmers Market

(18) Greenhouse.

(19) Self-Storage Unit

(20) Farm implements sales with or without service facilities.

(21) Indoor and Outdoor Shooting Ranges.

(22) Auto Repair Service Facility / Public Garage

(23) Brewery

(24) Winery

(25) Air Bed-and-Breakfast Establishments,

E. Minimum lot size shall be as follows: area: 1 3/4 acre; width at setback line: 150 feet.
[Amended 6-21-2005]

F. Minimum yard dimensions shall be as follows: front yard: 50 feet, except cul-de-sac lots may be 70 feet; each side yard: 20 feet; rear yard: 50 feet.

G. Maximum building coverage and height shall be as follows: maximum building coverage: 10%; maximum height from average grade: 35 feet/2 1/2 stories. All accessory buildings shall be less than the main building in height, except as provided in § 125-14C.

H. Any new structure designed to be occupied as a residence, church, school, community center or commercial business establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § 125-32, Article VI, of this chapter.[Added 6-21-2005]

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[Added 6-21-2005; amended 12-16-2008; 4-21-2009]
[2]Editor's Note: See now Code of Virginia, § 3.2-300.

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- (1) Boundary of the parcel with project name, tax map number, and owner name and contact information.
- (2) Building location and setbacks from property lines.
- (3) Parking spaces
- (4) Proposed signs
- (5) Lighting with a description

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on February 7, 2017. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
John R. Woodward, Chairman-At-Large	✓			
Mark Stroupe	✓			
D. Keith Guzy, Jr.				✓
Larry Foltz	✓			
Dorothy F. Pendley	✓			
David Wiatrowski	✓			

Dated: February 7, 2017

Amity K. Hester

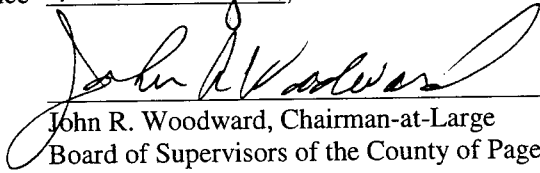
Clerk, Board of Supervisors
Page County, Virginia

This Ordinance shall be in full force and effect from and after February 7, 2017, as provided by Virginia law.

Dates of Notice Publication: January 19, 2017

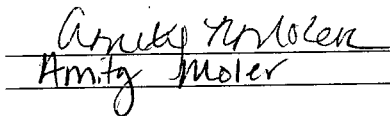
January 24, 2017

Date of Adoption of Ordinance February 7, 2017



John R. Woodward, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:



Amity Moler, Clerk