

MINUTES
PAGE COUNTY PLANNING COMMISSION
March 26, 2019

Members Present

Bernie Miller, Vice Chairman, District 1
Steve Atkins, District 2
Jared Burner, District 3
James Holsinger, Secretary, District 4

Paul Otto, District 1
Donnie Middleton, District 2
Keith Weakley, Chairman, District 3

Members Absent

Jonathan Comer, Chairman, District 5

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Weakley called the March 26, 2019 Page County Planning Commission Work Session 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. Otto made a motion to approve the agenda as presented. The motion was seconded by Mr. Miller. The motion passed unanimously.

Public Hearing

A. Edson Reid, Jr. Special Use Permit Application

Chairman Weakley opened the public hearing at 7:04 p.m. Ms. Clatterbuck presented the following: Edson Reid, Jr. has filed an application for a SUP to place a manufactured home in the Land of Shenandoah Subdivision located at 149 Sharon Drive, Shenandoah, VA. The parcel is identified by tax map number 96A2-1-C29, contains 0.7062 of an acre, and is zoned as Residential (R). The property is currently vacant. Pursuant to § 125-11 D.(3) of the Page County Zoning Ordinance, a manufactured home in a subdivision zoned Residential (R), is only allowed by a special use permit. Section 125-29 of the Page County Zoning Ordinance, states the commission shall consider the following criteria prior to recommending the permit: (A) The existence of any restrictive covenants prohibiting the location of manufactured homes in the subdivision, and if any such covenant exists at the time of application for the special use permit, then such application shall be denied (B) The number of manufactured homes existing in the subdivision for which application is being made (C) Consent of adjoining landowners (D) The position of other landowners in the subdivision, including any position taken by the property owners association of the subdivision (E) Other criteria which may assure the enforcement of any other provisions of this section and the intent of this section.

The subdivision currently contains many mobile/manufactured homes. The proposed mobile home has little to no impact on the surrounding area. The adjoining properties are either vacant or similar in use. On August 18, 2009, the Page County Board of Supervisors granted a special use permit to Mr. Reid for placement of a manufactured home on this same lot. However, Mr. Reid never followed through with installing the manufactured home. Pursuant to § 125-54 E(3) of the Page County Zoning Ordinance, any special use permit granted shall be null and void two years after approval by the governing body if the use or development authorized by the permit has not begun.

The applicant has consulted with the following agencies:

- Virginia Department of Transportation (VDOT) – Per Ralph Mowry Jr., there are no objections to the request.
- Health Department- Per Nick Black with the Health Department, there are no objections to the request.
- Building Official- Per Don Williams, Page County Building Official, there are no objections to the request.

Adjoining property owners were notified as required by state code, and no comments of objections were received.

Regarding the Page County Comprehensive Plan, Volume 1, Chapter 3, Policy 8.1 states, "Encourage and support initiatives that upgrade the quality of life and standard of living for residents, including adequate and affordable housing." Also, policy 8.3 states, "Encourage adequate affordable housing opportunities for low- to moderate-income residents of Page County and to those working and desiring to live in Page County."

Staff is requesting that the Page County Planning Commission recommend approval to the Page County Board of Supervisors for a special use permit to place a manufactured home in the Land of Shenandoah Subdivision, with the following proposed conditions:

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of fifty (50) years.
2. Edson Reid, Jr. or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state AND FEDERAL agency regulations.
3. Any change of use or expansion not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
4. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
5. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.
6. This special use permit shall be null and void if the mobile home is replaced with any permitted residential dwelling that is allowed within the applicable zoning district.

There being no speakers, Chairman Weakley closed the public hearing at 7:07 p.m.

Mr. Holsinger asked if there had been any changes to the surrounding properties within the last two years; and Mr. Reid replied not to his knowledge.

Mr. Miller asked if there was onsite water and sewer. Ms. Clatterbuck pointed out that the applicant had already obtained his health permits through the local Health Department.

Mr. Miller stated he was concerned with the 50 year limit. Ms. Clatterbuck noted that was what the previous permits similar to this request were permitted. The commission can set the timeframe they feel is suitable.

Mr. Weakley asked when Mr. Reid's permit was issued in 2009, if the permit had the same conditions and timeframe, and staff confirmed.

Mr. Holsinger made a motion to recommend approval to the Page County Board of Supervisors for a special use permit to place a manufactured home in the Land of Shenandoah Subdivision, with attached conditions. The motion was seconded by Mr. Miller. The motion passed unanimously (7-0).

B. Gary Cabbage Special Use Permit Application

Chairman Weakley opened the public hearing at 7:14 p.m. Ms. Clatterbuck presented the following: Gary Cabbage has filed an application for a SUP to operate a commercial sawmill, commercial chipping mill, and commercial shaving mill on property located at 575 River Road, Stanley, VA. The parcel is identified by tax map number 70-A-117B, contains 54.866 acres, and is zoned as Agriculture (A-1). This parcel is improved with the applicant's residence, two poultry houses, and other numerous farm buildings. Pursuant to § 125-10 D(11) of the Page County Zoning Ordinance, commercial sawmills, commercial chipping mills, and commercial shaving mills are only permitted by special use permit. They must comply with § 125-30.4 of the Page County Zoning Ordinance which requires that the following is met:

- (1) No structure and no storage of lumber, logs, chips, or timber shall be located closer than 100 feet to any lot line.
- (2) No saw, planer, chipper, conveyor, chute, or other like machinery shall be located closer than 200 feet to any dwelling on other property in the area.
- (3) No sawing, planing, chipping, or other operation, or other processing machinery shall be conducted between 7:00 p.m. and 7:00 a.m. No loading or unloading or processing of wood products shall occur between 12:00 midnight and 7:00 a.m.
- (4) All timbering and milling operations, including reforestation or restoration and disposal of timber stumps, sawdust, and other debris, shall be conducted in accordance with Title 10.1 of the Virginia Code and the regulation of the Virginia Department of Forestry.

The applicant initially plans to install an 80x50 dryer for shavings. The applicant is proposing to install the dryer equipment at a minimum of 100 feet from all property lines. Additional structures and equipment related to the commercial sawmill, commercial chipping mill, and commercial shaving mill may be constructed at a later date, but will be located at a minimum of 100 feet from all property lines. The applicant will be required to comply with the Page County Zoning Ordinance, the Uniform Statewide Building Code, the Virginia Department of Health, and any other local, state, and federal regulations.

Recommended items for consideration/discussion for the Planning Commission:

Noise, number of employees, pickups/deliveries, hours of operation, dust, and buffering. At the introductory meeting, Mr. Otto recommended staff reach out to the local fire official to obtain their comments regarding fire safety. There is a letter in your packet for review that was received by Terry Pettit, Stanley Fire Chief.

The applicant has consulted with the following agencies:

- Virginia Department of Transportation (VDOT) – Per David Atwood, the existing entrance at this site meets the minimum sight distance standards of a low volume commercial entrance and is adequate to serve the proposed use.
- Health Department- Per Nick Black with the Health Department, there are no objections to the request as the proposed use does not interfere with the well/water system.
- Building Official- Per Don Williams, Page County Building Official, the Virginia Building Codes will apply to any structures and/or equipment placed on the property.

Adjoining property owners were notified as required by state code. Staff has no received any letters of objection. Staff has received letters of support for the business from some of the adjoining property owners.

Regarding the Page County Comprehensive Plan, Volume 1, Chapter 3, Policy 6.10 states, *“Allow commercial and industrial uses in rural areas or near existing neighborhoods only if the use: a) Does not unduly impede traffic flow on roads or intersections; b) Is not, and does not, initiate strip development; c) Has direct access to adequate roads, railroads or airports; d) Meets all standards for water, sewage and waste disposal; and e) Does not adversely affect surrounding agricultural or residential activities.”*

Staff is requesting that the Page County Planning Commission recommend approval to the Page County Board of Supervisors for a special use permit to Mr. Gary Cabbage, to operate a commercial sawmill, commercial chipping mill, and commercial shaving mill, with the following proposed conditions:

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of thirty (30) years.
2. The business shall be in compliance with § 125-30.4 (Portable or commercial sawmills, chipping mills, or shaving mills).
3. The business shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state and federal agency regulations.
4. The business shall apply for and maintain a valid Page County business license.
5. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjoining properties or roads.
6. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty

(30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.

7. Any change of use or expansion of services not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
8. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.

David Reed- Mr. Reed stated he was present on behalf of the applicant and was present for any questions.

Chairman Weakley closed the public hearing at 7:18 p.m.

Mr. Miller asked how the dryer was heated; and Mr. Reed stated he would be working through Shenandoah Valley Electric, which was quite expensive, to power the equipment. Mr. Holsinger stated he would expect gas and fans to be used as well.

Mr. Reed stated regarding the noise, the applicant is actually consulting with a noise engineer as part of the package for the equipment. They have not provided any information yet, but he is aware that he must be in compliance with the noise ordinance. The applicant also resides on this property so he will be probably more aware of that matter. The Alma Recycling Plant is also nearby, and the property is surrounded by farming operations.

Mr. Reed stated that this was not a scenario where he can map or lay out equipment or structures that could be placed on the property in the future. The applicant may decide to add structures or equipment as the business grows but wouldn't want to be burdened by having to go through the special use permit process for every structure or piece of equipment he could add in the future. The Page County Zoning Ordinance already has supplemental regulations defined in 125-30.4 which address hours, setbacks, etc.

Mr. Holsinger asked about the mixed use regarding the commercial vs. agriculture use. Mr. Reed stated by the nature of him applying for the special use permit, he agrees that he is using this as a commercial use and not an agriculture use. He can still do agriculture operations on this property. The applicant wants to apply for the special use permit to avoid any potential issues in the future. There was further discussion amongst the commission regarding agriculture vs. commercial uses.

Mr. Otto made a motion to recommend approval to the Page County Board of Supervisors for a special use permit to Mr. Gary Cubbage, to operate a commercial sawmill, commercial chipping mill, and commercial shaving mill, with attached conditions. The motion was seconded by Mr. Atkins. The motion passed unanimously (7-0).

C. Brian Stanley Special Use Permit Application

Chairman Weakley opened the public hearing at 7:45 p.m. Ms. Clatterbuck presented the following: Brian Stanley has filed an application for a SUP to operate a home occupation that will offer used lawnmower (and other related lawn care equipment) sales and service in a detached garage located at 151 Sandy Hook Road, Luray, VA. The parcel is identified by tax map number 32-A-29A, contains 1.23

acres, and is currently zoned as Agriculture (A-1). In addition to the existing garage, this property is improved with a single family detached dwelling, a carport, and numerous accessory buildings.

This SUP would allow Mr. Stanley to operate a business that will offer used lawnmower (and other related lawn care equipment) sales and service. The business would be conducted out of the existing detached 28x28 garage. He is also proposing to use a designated 30x20 area near the existing carport as a storage area for lawnmowers and parts. This area will be shielded from the view of adjacent property owners and the public right-of-way. The applicant is proposing to operate at a maximum of 40 hours per week.

Pursuant to § 125-10 C.(3) of the Page County Zoning Ordinance, home occupations are permitted by-right. However, pursuant to § 125-15 B.(1)(e) of the Page County Zoning Ordinance, home occupations in an accessory building require a special use permit.

The applicant has consulted with the following agencies:

- Virginia Department of Transportation (VDOT) – Per David Atwood with VDOT, the existing gravel entrance at this site meets the minimum sight distance standards of a low volume commercial entrance and is adequate to serve the proposed use.
- Health Department- Per Gerald Dovel with the Health Department, there are no objections to the request.
- Building Official- Per Don Williams, Page County Building Official, there are no objections to the request.

Adjoining property owners were notified as required by state code. As of the date of this memo, staff has received one comment sheet back stating the landowner has no objections. Staff has also received one comment sheet back from a landowner that does have objections to the issuance of the permit. A copy of that has been provided in your packets. A follow up call was made by staff to that landowner to further discuss their concerns. Staff urged them to attend the public hearing to voice their concerns. Due to medical reasons, the landowner was not sure they would be able to attend the public hearing; however, asked that staff relay the following additional comments:

- They would like a privacy fence installed along the entire property line that divides their property with the applicants.
- They request that no business be conducted before 10 a.m. and no later than 7 p.m. Also, no Sunday sales.
- They are concerned with where the fluids such as oil, gas, etc. are being dumped.
- They are concerned with noise impacts.

Staff feels like we could possibly mitigate some of these concerns in the conditions of the special use permit.

Regarding the Page County Comprehensive Plan, this property falls within the "Agricultural Protection Tier". According to Volume 1, Section 2.2 of the Comp Plan, "the purpose of the Agricultural Protection Tier is to protect agricultural uses and preserve the rural lifestyle and sense of community that has long defined Page County. This tier is intended primarily for very low-density residential development, large lot rural development and agricultural uses. Non-residential uses would serve the needs of residents in the surrounding rural areas and generally be limited to agriculture-related businesses. Low density suburban subdivisions and low intensity employment centers may be permitted if access is adequate and the use is compatible with surrounding uses. Levels of service depend on the density/intensity of a development and its location." Due to the low impact, the proposed business would not change the character of the property.

Also, Chapter 3, Goal 6, Section 6.2 states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county."

Staff is requesting that the Page County Planning Commission recommend approval to the Page County Board of Supervisors for a special use permit to Mr. Brian Stanley, to operate a home occupation in an existing garage, with the following proposed conditions:

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of fifty (50) years.
2. Brian Stanley or its successor and/or assigns, shall be in compliance with all county ordinances, the Uniform Statewide Building Code, and all state AND FEDERAL agency regulations.
3. The business shall apply for and maintain a valid Page County business license.
4. The hours of operation of the business shall not exceed a maximum of 40 hours per week.
5. This special use permit is for use of the existing garage and the designated storage area only. Any future square footage expansions of the existing garage must be in compliance with § 125-15.B.(1) of the page county zoning ordinance and any other applicable codes and ordinances.
6. The designated storage area shall be shielded from the view of adjacent properties and the public right-of-way.
7. Proper containers for liquids such as oil, gas, etc. shall be onsite and properly disposed of.
8. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjacent properties or right-of-ways.
9. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the county shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
10. Any change of use or expansion of services not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
11. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.

Brian Stanley- Mr. Stanley stated regarding the neighbor concerns over how liquids are disposed of, everything is stored in buckets and taken to the Page County Landfill for proper disposal. There is nothing dumped on the property. Regarding noise, she lives on 340 where traffic runs all day long. Regarding the neighbors request for a privacy fence, he does not feel that is necessary as the storage area and where the business will be conducted is not even on her side of the property.

Chairman Weakley closed the public hearing at 7:55 p.m.

Mr. Middleton stated he went by the property after the fencing of the storage area was completed. He does not see any issues as he has made an effort to keep the materials where they cannot be seen.

Mr. Miller asked what staff recommendations were. Ms. Clatterbuck stated that she felt the request to install the privacy fence (200+ feet) was a bit excessive as the storage area is on the opposite end of the property. She also feels we can put conditions in the permit to mitigate potential issues such as noise, storage of equipment, etc. Mr. Stanley pointed out that if he were to do that, when she goes out on her back deck she would still see over the fence.

Mr. Weakley asked if the neighbor's entrance was off of 340 or Sandy Hook Road, and Mr. Stanley replied 340, pointing out that his entrance is off of Sandy Hook Road.

Ms. Clatterbuck noted that the neighbor was also concerned with noise of running lawn mowers between 8:00 and 9:00 p.m. Staff explained to her that if she had a concern with noise she needed to call the Sheriff's Office so that a reading could be done to see if it exceeds 80 decibels. It is not the business of the zoning office to regulate when anyone is mowing their yard.

Mr. Holsinger asked if Mr. Stanley felt the concern of dumping oils, etc. was a reasonable concern. Mr. Stanley didn't agree because it wasn't going on her property if he did accidentally get some on the ground. Mr. Holsinger replied that he doesn't matter whose property it goes on, the county, neighbor, etc. should be concerned if it's being dumped on any property period. Mr. Weakley asked Mr. Stanley if he was opposed to having a condition on the permit to address proper dumping procedures, and Mr. Stanley stated he had no objections and felt that was reasonable.

Mr. Miller made a motion to recommend approval to the Page County Board of Supervisors for a special use permit to Mr. Brian Stanley, to operate a home occupation in an existing garage, with attached conditions. The motion was seconded by Mr. Burner. The motion passed unanimously (7-0).

New Business

A. Bylaw Review

Ms. Clatterbuck stated that the Board of Supervisors had put an item on the agenda at their last meeting for discussion on possibly reducing the number of planning commissioners. Mr. Otto was present at that meeting and spoke out against the idea. The Board did not move forward that night with scheduling it for public hearing to reduce the number. With that being said, Mr. Michael Helm, County Attorney, had mentioned that night that the Planning Commission could change their bylaws if they were having problems meeting the quorum requirements. A copy of the email from Mr. Helm was provided to the commission for review. The recommendation is to amend the bylaws so that the quorum would be based on the number of commissioners sitting vs. the number of seats.

After much discussion amongst the commission, the commission agreed to amend the bylaws, specifically Article VIII, Section 8.1 to read as follows: "A majority of the members of the Commission shall constitute a quorum. Vacancies shall not be counted in calculating the quorum, except that in no case may a quorum be less than three. No business may be conducted unless a quorum is present, and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting. At least one of the voting officers of the commission must be present."

Ms. Clatterbuck noted it could not be done tonight. The bylaws draft is required to sit in review for 30 days and shall be made available to the public. Ms. Clatterbuck will put this item back on as future agenda item.

B. Adoption of Minutes- February 26, 2019 & March 12, 2019

Mr. Holsinger made a motion to approve the February 26, 2019 and March 12, 2019 minutes as presented. The motion was seconded by Mr. Otto. The motion passed unanimously (7-0).

Unfinished Business

A. Solar Ordinance Committee Report

Mr. Holsinger stated the committee had not met since the last update provided.

B. Comp Plan Committee Report

Mr. Otto stated the committee continues to work on the plan. The next meeting is scheduled for April 10, 2019 at 3:00 p.m.

C. Subdivision Committee Report

No Report

Chairman's Report

No Report

Clerk's Report

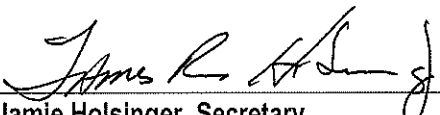
No Report

Adjourn

Chairman Weakley adjourned the meeting at 8:42 p.m.



Keith Weakley, Chairman



Jamie Holsinger, Secretary

