

MINUTES
PAGE COUNTY PLANNING COMMISSION
June 12, 2018

Members Present

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

Members Absent

None

Staff Present

Tracy Clatterbuck
Nathan Miller

Call to Order

Chairman Comer called the June 12, 2018, Page County Planning Commission work session to order in the Board of Supervisors Room at the Page County Government Center, 103 S Court Street, Luray, Virginia, at 7:00p.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. Zoning Ordinance Amendment to § 125-14.1

Ms. Clatterbuck began by explaining that Section 125-4 of the Page County Zoning Ordinance defines "structures" as follows: "An assembly of materials having an ascertainable stationary location, which can include: stadiums, platforms, observation towers, communication towers, storage tanks, swimming pools, amusement devices, storage bins, gazebos, sheds and other similar uses. The word "structure" shall be construed as though followed by the words "or parts thereof" unless the context clearly requires a different meaning. All buildings are structures." Based on this definition, a swimming pool (to include above ground and in-ground pools) is considered a structure.

§125-50, *Zoning Permit*, of the Page County Zoning Ordinance states: "No building, structure or sign shall be erected, constructed, moved, added to or structurally altered, nor shall land or structures be put to any use without a permit therefore issued by the Zoning Administrator." Based on this section, a zoning permit is required for the placement of swimming pools.

Under § 125-16, *Accessory uses, structures and buildings*, of the Page County Zoning Ordinance , accessory structures or buildings are required to meet the following setbacks:

- Agriculture District- 15 feet (sides and back)
- Woodland-Conservation District- 15 feet (sides and back)
- Residential District-
 - Public Water AND Sewer: 10 feet (sides and back)
 - Public Water OR Sewer: 15 feet (sides and back)
 - Onsite Well AND Septic: 15 feet (sides and back)

Based on this section, swimming pools are required to meet the above listed setbacks according to how property is zoned.

In conclusion, a swimming pool is considered a structure and requires a zoning permit, which also requires that minimum setback requirements are met. Staff is proposing that § 125-14.1, *Additional regulations for all districts*, be amended by adding that "above ground swimming pools may project no more than five feet into any yard setback." Currently, § 125-14.1(1) of the Page County Zoning Ordinance, states "terraces, patios or unenclosed porches may project no more than five feet into any yard setback." This amendment was approved by the Board of Supervisors on August 17, 2010. An above ground pool would not be considered permanent since it is not placed on permanent foundations. Staff would argue that a porch or deck is considered permanent due to how they are typically placed (piers, footers, slab, etc.), and currently they are allowed to project five feet into any yard setback; therefore, not making sense that we wouldn't allow an above ground pool, which can be more easily dismantled than a porch or deck, to do the same.

Staff recommends approval of the following amendment to the Page County Board of Supervisors: Amendment to §125-14.1 (*Additional regulations for all districts*) to add the following:

(3) Above ground swimming pools may project no more than five feet into any yard setback.

Chairman Comer opened the public hearing at 7:06 p.m. The public hearing was closed due to no speakers.

Commissioner Otto stated he was not in favor of changing the ordinance for landowners who are in violation of the code. Rather, he suggested making all side yard setback requirements five feet. Ms. Clatterbuck questioned if he meant specifically for pools only. Commissioner Otto said no, for everything to include single family dwellings. Nathan Miller stated he would have to do some research to see how that could affect other portions of the code before that change is made. He recommended the commission proceed with the proposed amendment at this time until further research on setbacks could be completed. Commissioner Lancto made a motion to recommend approval to the Board of Supervisors as presented by staff. The motion was seconded by Commissioner Painter. The motion passed by a roll call vote of 9-1 (Otto: Nay).

Citizen Comments on Agenda Items

Grace Nowak- Ms. Nowak spoke in favor of the solar facilities special use permit applications but suggested additional information be provided by applicants related to buffering, fencing, and benefits to Page County. She also stated she would like to hear additional thoughts on how the Commission felt about the applications.

Mike Uram- Mr. Uram spoke in favor of the solar facilities special use permit applications. He spoke on the importance of planning a community correctly. He also questioned how the Commission should tackle these applications suggesting that pros and cons be considered.

New Business

None

Unfinished Business

A. Cape Solar, LLC & Dogwood Solar, LLC Special Use Permits

There was a question and answer session between the Commission and Jared Burton and Jessica Berger (Application Representatives) on the proposed solar facilities special use permit applications. Due to

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recording equipment failure, the recording of the remainder of the meeting was lost; therefore, minutes are unavailable from this point on. These applications will be put on the next meeting being held on June 26, 2018 for further discussion/review.

B. Comp Plan Committee Report

The next subcommittee meeting is scheduled for June 13, 2018, at 3:00 p.m.

A. Subdivision Committee Report

No Report

B. Sign Ordinance Committee Report

The proposed draft amendment to the sign ordinance will be discussed at the next Commission meeting.

Open Citizen Comment Period

None

Chairman's Report

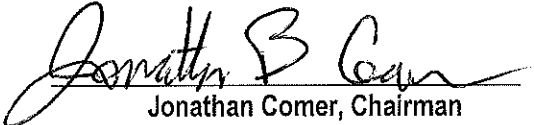
No Report

Clerk's Report

No Report

Adjourn

Chairman Comer adjourned the meeting at 8:38 p.m.


Jonathan Comer, Chairman


Jamie Holsinger, Secretary

