

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**August 13, 2019**

**Members Present**

Bernie Miller, Vice Chairman, District 1  
Steve Atkins, District 2  
Jared Burner, District 3  
Jonathan Comer, District 5

Paul Otto, District 1  
Donnie Middleton, District 2  
James Holsinger, Secretary, District 4  
William Turner, District 5

**Members Absent**

Keith Weakley, Chairman, District 3

**Staff Present**

Tracy Clatterbuck  
Kelly Butler

**Call to Order**

Vice Chairman Miller called the August 13, 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. Otto made a motion to approve the agenda as presented. The motion was seconded by Mr. Comer. The motion passed unanimously.

**New Business**

**A. Adoption of Minutes**

Mr. Comer made a motion to approve the July 9<sup>th</sup>, 2019 and July 23<sup>rd</sup>, 2019 minutes as presented. The motion was seconded by Mr. Otto. The motion passed unanimously.

**B. Bernie Mills – Special Use Permit Application**

Ms. Clatterbuck presented the following report:

Bernard C. Mills has filed an application for a SUP to operate a gun shop in an existing accessory building located at 5509 Ida Road, Stanley, VA. The parcel is identified by tax map number 73-A-40B, contains 8.6167 acres, and is currently split zoned as Agriculture (A-1) and Woodland-Conservation (W-C). The property is improved with a single family detached dwelling and numerous accessory buildings.

This SUP would allow Mr. Mills to operate a business that would offer gun and ammo sales. The business would be conducted out of an existing 32x28 accessory building that is already on the property. As stated above, this property is currently split zoned. However, the portion of the property where the business would be conducted is zoned as Agriculture (A-1).

Pursuant to § 125-10 C.(3) of the Page County Zoning Ordinance, home occupations pursuant to § 125-15 are permitted accessory uses. 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. Per § 125-15 B(1), the business would be limited to the following:

*"The practice of a home occupation by the owner of a residence may be allowed in an accessory building incidental to the owner's residence located on the same tract or parcel of land, provided that the residence and accessory building shall have the direct access to a public street; and further provided that the use of the accessory building does not change the character thereof, nor exceed 60% of the footprint-ground floor square footage of the dwelling unit, or the occupation in the accessory building does not exceed 1,000 square feet, whichever is the lesser, or have any exterior evidence of such use as a home occupation other than a small name plate, as provided in § 125-20B(2)(a). The specific home occupation allowed by special use permit shall not be changed in purpose, nor allow for more than three employees that do not reside in the residence on the same tract or parcel of land on which the business is located, during the term of the permit unless further application shall be made and approved for issuance of a special use permit. Home occupations pursuant to this subsection shall comply with the requirements of § 125-15A(1)(a) and (c) of this chapter and shall include but not be limited to the following Subsection B(1)(a) through (e): (a) Small country store, (b) Craft shops, (c) Garages (for servicing and repairing only), (d) Personal service shops, (e) Other similar home occupations."*

*Per § 125-15 A.(1)(a), "two off-street parking spaces, in addition to those required for the residence units, shall be required for any single home occupation, and four off-street parking spaces, in addition to those required for the residence units, shall be required for any home occupation in an accessory building."*

*Per § 125-15 A.(1)(c), "Home occupations shall be subject to the following limitations:*

*[1] No emission of unpleasant gases or other odorous matter shall be permitted.*

*[2] No emission of noxious, toxic or corrosive gases or fumes injurious to persons, property or vegetation shall be permitted.*

*[3] No glare and heat from any home occupation shall be permitted.*

*[4] No discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body of water or into the ground of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or any sewage treatment plant or otherwise could cause the emission of dangerous objectionable elements.*

*[5] No vibration perceptible beyond the dwelling unit or building in which the home occupation is conducted, whichever shall be the smaller, shall be permitted.*

*[6] No noise shall be audible beyond the dwelling unit or building in which the home occupation is conducted, whichever shall be the smaller, exceeding the average intensity of street traffic at the front lot line. Objectionable noises due to intermittence, beat, frequency or shrillness shall be muffled.*

*[7] No emission of any smoke shall be permitted.*

*[8] Electric or electronic devices shall be shielded in such a manner as not to interfere with radio or television reception or transmission of any kind.*

*[9] Solid waste shall be contained and disposed of in a manner which will not detract from the appearance of the property or general neighborhood.*

*[10] Toxic waste or material, including but not limited to used motor oil, antifreeze, power steering fluid, transmission fluid, etc., shall not be stored on property.[Added 6-9-1998]"*

*The code further reads:*

*"(2) The following criteria shall be considered when determining the advisability of issuing a special use permit pursuant to this subsection:*

*(a) Probable increase of traffic to the general area.*

*(b) Concurrence of surrounding property owners.*

*(c) Size, purpose and likelihood of expansion of the proposed home occupation.*

*(d) Probable impact on surrounding properties.*

- (e) Determination that the accessory building meets the maximum requirements of the Uniform Statewide Building Code and BOCA Code and the Code of Page County.*
- (f) Determination of a need for the proposed business for the surrounding community.*
- (g) Screening of property by fencing, landscaping or other acceptable means."*

Per Jeff Nicely at VDOT, the structure is served by an existing entrance and a land use permit is not required. Per Gerald Dovel at the Page County Health Department, they have "no objections to the permit. No employees other than the owner. Owner to use restroom facilities in house." Per Don Williams, Page County Building Official, the applicant will need to "obtain BATF licensing for a FFL. Abide by stocking criteria for ammo and fire separation if applicable."

Mr. Mills will be required to obtain a Page County business license which will result in additional revenue for Page County.

Ms. Clatterbuck moves that the Page County Planning Commission hold a public hearing on this SUP application at the September 10, 2019 regular meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204.

Ms. Clatterbuck did not present a set of draft conditions because the County Code currently presents standard ones and has asked the board to present any additional conditions they would like discussed at the work session meeting on August 27, 2019.

Vice Chairman Miller asked if there would be any parking issues, and Ms. Clatterbuck noted he had plenty of land to use for parking, and would need to comply with parking regulations described above. Mr. Otto asked if the structure met current setbacks. Ms. Clatterbuck stated that isn't something she would typically look at because it is an existing structure. Ms. Clatterbuck asked Mr. Mills, who was present for the meeting, when the building was constructed. He stated ten years ago and he did have permits. Ms. Clatterbuck clarified that home occupations do not have any more stringent setbacks. Mr. Otto asked if there should be any conditions in regards to signage and/or lighting. Mr. Miller replied that it would have to comply with the current ordinance. Ms. Clatterbuck stated that he is allowed a small name plate and a home occupation sign by-right. Any noise is regulated by the noise ordinance.

Mr. Miller asked what the adjoining properties are. Ms. Clatterbuck stated that family owns most of the surrounding property on that side of the road, except the property with the poultry houses, which are owned by Joseph Comer. Mr. Holsinger asked what the distance was from Mr. Mills' accessory building to the poultry houses. Mr. Mills stated not quite 100 yards.

Mr. Holsinger made a motion that the Special Use Permit Application be put on the September 10, 2019 agenda for public hearing. Mr. Comer seconded the motion. The motion passed unanimously.

### Unfinished Business

#### **A. Sign Ordinance Amendment**

Ms. Clatterbuck stated that the draft that was sent to legal came back to her with no comments, satisfactory as written. Ms. Clatterbuck requested that it be set for public hearing on September 10, 2019. All commissioners agreed for it to go to public hearing at the next regular meeting.

#### **B. Comp Plan – Solar Draft**

Mr. Otto opened up discussion on the solar draft as presented. Mr. Miller asked the reasoning for a criteria stating "not within 2 miles of any town limits" (Comp Plan – solar draft Goal 13, Policy 13.6(e)). Mr. Otto stated it wasn't based on any scientific evidence, but more for aesthetic reasons. Mr. Comer asked if the other ordinances that were looked at in general in regards to location or were they locality

specific based on their infrastructure. Mr. Otto stated the other ordinances did it in much the same way that the sub-committee has presented the draft. The county does not have an abundance of potential sites. Mr. Miller stated that where the large scale solar wants to go is within a couple hundred feet of transmission lines and where the land is flat. Mr. Miller said that he wants to make sure that what is presented is fair. Mr. Miller suggests that an environmental impact study should be a criteria that is set. Mr. Otto said typically those things are in an ordinance, not in the comp plan. Mr. Holsinger pointed out that the criteria in Policy 13.6 states a lot of what you can NOT do, rather than what you can do. We should at least allow the possibility of it being done. Mr. Comer asked if we were looking to move this draft forward to the Board, are we going to take a vote to advance it now if enough people agree. Mr. Otto stated this draft is a suggestion and it's a place to start. Mr. Holsinger asked about Policy 13.6(a) "not on exiting forest land." Does that mean land that has trees can't be considered? Are the criteria absolutes. Mr. Otto stated they are not absolutes, they are criteria to be taken into consideration. The language can be adjusted to be less objectionable. Mr. Otto asked if the sub-committee should address that language. Mr. Holsinger suggested getting rid of the term "brownfields." And identify the sites that are worth consideration.

Mr. Otto stated the general challenge is the shape of the county and the amount of land that is federal and state owned. That leaves us with a very narrow venue to work with. And right through the middle of it is one our main transportation corridors and also the main transmission line. We are an agricultural county that is also dependent on tourism. We're trying to deal with an industry that requires large blocks of land and a not visually pleasing appearance. It is a big challenge to find a place that is suitable. To illustrate that, Mr. Otto presented the packet of maps titled "A GIS Analysis: Options for Restricting Locations of Utility Scale Solar Facilities." Each of the criteria presented in Policy 13.6 is illustrated on a map. After reviewing the maps, Mr. Holsinger stated that if this is what the Commission is saying he would rather just say you can't have them. He asked if our goal was to find consensus with the Commission. Mr. Otto stated the intention of the sub-committee was that this draft be submitted to the Commission for discussion and adjustment as necessary in order to arrive at a consensus to forward onto the Board.

Mr. Comer asked what the rational was behind the criteria that states "not within 5 miles of another planned or approved utility scale solar facility." Charles Newton from the audience, a sub-committee member, stated that the advisors to other localities had said that scale was the most important thing to consider. He stated that SVEC is now considering 1 and 2 megawatt community solar utilities that can be put on less than 10 acres. He also pointed out that the draft does have descriptions related to agricultural and residential applications. Clyde Humphrey from the audience, a sub-committee member, stated the smaller scale has much less impact on tourism and the view shed.

The commission and sub-committee members from the audience had a discussion regarding the scale of application in relationship to where they are able to be located in the county.

Mr. Otto suggested that the sub-committee go back and look at the language in Policy 13.6. And bring it back to the Commission to reach a consensus.

#### **C. Sub-Committee Reports**

*Comp Plan Sub-Committee-* Mr. Otto stated that the next meeting is on August 29, 2019 at 3:00 p.m.

#### **Open Citizen Comment Period**

Charles Newton – In working with GIS on solar information, they told him they had the ability to look at the agricultural soils in the County. The soil survey was conducted by USDA in cooperation with Virginia Tech. The analysis shows that based on USDA categorization 29,747 acres of prime farmland existed and another

Planning Commission  
Minutes- August 12, 2019

38,811 acres of farmland of statewide importance existed in its virgin state. By 2018, the development of Page County, has used up about 44% of our good soils for agriculture.


Ken Jemiellity – If industrial solar is so great, then why aren't they putting them in Northern Virginia with all the square miles of rooftops. Also, any kind of ordinance should have some kind of language in it to exclude anybody who had a hand in the process from hosting an industrial solar farm for some specified period of years.

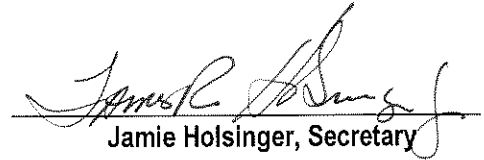
Clerk's Report

Tracy Clatterbuck asked that all Commission members get a binder that is to be used as their Planning Commissioner Guide. It contains all the ordinances that the Commission has authority on. The full comp plan is in there also. Also, at the last Board of Supervisors meeting, one of the supervisors requested that the Cape Solar project be put on the next Board of Supervisors meeting agenda for August 20, 2019.

Adjourn

Vice Chairman Miller adjourned the meeting at 8:38 p.m.

  
Bernie Miller, Vice Chairman

  
Jamie Holsinger, Secretary

