MINUTES
PAGE COUNTY PLANNING COMMISSION
June 13, 2023

Members Present

Catherine Grech, Secretary, District 1
Jared Burner, Chairman, District 3
William Turner, Vice Chairman, District 5
Chris Adams, District 2
Isaac Smelser, District 4

Staff Present

Tracy Clatterbuck
Josh Hahn

Call to Order

Chairman Burner called the May 9, 2023 Page County Planning Commission Regular Meeting to order in the Board of Supervisors (BOS) 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*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. Ms. Clatterbuck conducted an attendance roll call.

Adoption of Agenda

Mr. Turner made a motion to adopt the agenda as presented. Mr. Smelser seconded the motion. The motion passed unanimously (5-0).

Citizen Comments on Agenda Items

None

Public Hearings

A. Jeffery S. Dinges- Special Use Permit Application

Members of the public expressed difficulty hearing Chairman Burner, and his microphone was adjusted. Ms. Clatterbuck referred to the special use permit (SUP) documentation in the packet, stating that Jeffery S. Dinges has filed an application for a SUP to operate a banquet/event facility located on Honeyville Road, Stanley, VA, and further identified by tax map number 79-(A)-76A. The parcel contains 5.719 acres and is zoned as Agriculture (A-1). The property is improved with an existing barn, an existing poultry house, and an existing litter shed building. The applicant is proposing to use the existing barn (approximately 55x50) that has been converted/remodeled to serve as the proposed banquet/event facility along with designated parking areas. Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a SUP.

Ms. Clatterbuck stated that the applicant had reached out to the Virginia Department of Transportation (VDOT). She noted that copies of those comments were provided in the packet. VDOT has specifically said that the existing entrance that serves the poultry house as well as the existing entrance off of Maple Rd. cannot be used for the proposed special use. They do have an approved entrance off of Honeyville Rd., which is included in the packet.

Ms. Clatterbuck referenced some additional documents provided to the Planning Commission tonight. Ms. Grech had submitted a set of questions. Staff pulled an accident report history, which has been provided. She noted that this only included those accidents reported to the 9-1-1 center. Ms. Clatterbuck indicated that she had followed up with VDOT regarding the

approved entrance off of Honeyville Rd., and she referenced a handout that mentioned a 24-hour speed study. Ms. Clatterbuck indicated that the applicant had indicated to her today that they have contracted with AES Consulting and Blackwell Engineering to draw up the plans for the new entrance. This engineering firm has worked with VDOT.

Ms. Clatterbuck stated that, regarding the Health Department, the septic system has already been installed. A copy of the operational permit is included in the packet. At the last meeting, there was confusion regarding the number of people that can be in the structure. As a follow-up, she and the Building Official met the applicant on May 31st at the facility. Mr. Campbell performed a site visit and determined that the maximum daily occupant load for the venue is 195 persons. This memo is included as a new document.

Ms. Clatterbuck noted that, as required by state code, the adjoining property owners were notified. Any written comments that we received have been provided to the Planning Commission. She noted that we received responses of no objection from Matt and Whitley Fidler and Jeff Dinges. We received objections from Frankie and Tammy Cubbage and Dennis and Susan Dovel.

Ms. Clatterbuck again referenced questions that Ms. Grech had asked staff regarding distances related to previous wedding venue applications. Copies of these have been provided.

Ms. Clatterbuck noted that the draft conditions have been changed a bit, per discussion at the last meeting. If and when the Planning Commission gets to that, she recommended that the Planning Commission review the changes. She indicated that Mr. Hahn would comment on the Comprehensive Plan. Mr. Hahn noted that the staff comments for the introduction of this SUP mentioned that this parcel was located in both the Agricultural Protection Tier as well as the Secondary CSA. He noted that this interpretation was due to mapping data we have on hand. Staff has reviewed the Comprehensive Plan, and our interpretation is that a given location cannot be in both. They don't have the same goals. Staff comments have been updated to indicate that this parcel is in the secondary CSA. Ms. Clatterbuck concluded the staff report, inviting any questions.

Chairman Burner stated that before he opened the public hearing, he explained the standard procedure for public hearings for SUPs, regardless for wedding venues or campgrounds. Staff will give their report, then the Chairman opens the public hearing for members of the public who have signed up to speak. Each speaker will have three minutes to speak, after which they will be cut off. This is in our bylaws. As a matter of respect during that time, the only people that are allowed to speak are the people at the podium, and they must direct their comments to the Planning Commission. This is not a back-and-forth, question-and-answer session.

Chairman Burner opened the public hearing at 7:08 p.m.

Dennis Dovel: He has lived in the house he lives for 42 years, and the farmland behind him has been in the family since 1920. He and his wife disapprove of this. They are mainly concerned that the location of this facility is so close to their residence. They have grandchildren who play in their back yard. And this facility really is in their backyard. Because this facility would be open to the public, the applicant will not have any control over who may attend. As long as it is private, the applicant knows who is in the facility. There is no way the noise from this facility won't interrupt their lives. Because the applicant cannot control who attends the facility when they lease it out, the safety of his grandchildren really

worries him. All we hear about is shootings and human trafficking. It may not be in Page County yet, but it's coming. This worries me as an adjacent landowner to this property. He wishes the Planning Commission would see the proposed venue, not on paper but in person. It isn't across the road; it is at our back door. And he has been there for 42 years on a family farm, and he would like to stay, and he has a son and grandson he would like to hand it down to. He thanked the Planning Commission.

Frankie Cubbage: He handed out some photos for the Planning Commission to look at while he spoke. He mentioned that the previous speaker had covered a lot of what he wanted to say regarding it being in his backyard. He has kids in his backyard that he plays with when he's off on the weekends. He works for the railroad, on all kinds of shifts. He gets eight hours of sleep and has to go back out. There is no way with this in his back yard that he is going to get any rest. When he does get a weekend, he would like to enjoy his yard. Mr. Smelser had recommended to him that he get a petition, which he did. He referenced a petition that Jeff Good had done, which he stated that the Planning Commission had turned down. It had 195 names, including all across Page County. He had names on there that didn't know where Balkamore Hill was. Mr. Cubbage stated that he has 85 names on his petition who lives on Honeyville, a mile and a quarter in each direction. He could have cheated and gotten 300 friends from Luray to sign, but he didn't. Everyone he contacted signed the petition. They don't want the traffic on the road, and he doesn't want the noise. The curves are so severe going through there, it's dangerous. There are two people on the list that don't live on Honeyville, but they work on Honeyville every day, seven days a week. They say it's the most dangerous traffic they have. He asked the Planning Commission if this was going in their back yard, would they allow this. He stated he knows the answer.

Phyllis Long: She is opposed to the barn being used as a venue. If this SUP is approved, it will allow 195 people in her backyard. It will remain in effect for 50 years. If the property is sold, the permit travels with that. So, whoever buys it could be someone from Washington D.C. or wherever. The barn is 30' from her nephew's house. He and his wife have lived there for 23 years. They have a teenage daughter. The have a granddaughter, eight years old, who live with them. They spend a lot of time in their back yard. They are a close-knit family. Don't take this away from them. The venue will have loud noises, loud truck sounds. It's going to have car doors slam. It's going to have loud and foul language. This family should not have to give up their freedom for someone to have a little bit of extra money. She and her husband have lived here for 50 years. And her husband has done all the maintenance since they have been there, not asking for a dime from anybody. In the past year, heavy equipment has been coming an out because of this venue. Dump trucks, backhoes, and loaders have done damage to the dirt road – it is not paved. They have mashed the culvert shut on both sides. Her husband has to dig those culverts open. He's 78 years old. Nobody from the back has offered to help. Other damage was done to the road on December 10th, when the Dinges opened the barn to the public for a photo op. 75 cars were counted going in and out of this private road. Her time expired. She asked that the Planning Commission reject the application.

Nicky Long: He asked to make a comment before he started his speech. He doesn't understand how the Planning Commission can justify only allowing three minutes when this can affect whole lives. A lot more could be said from the public. This affects a lot of people. Three minutes doesn't justify what is going on, here. This venue has had photo sessions using Maple Ln. in violation. This road is used by landowners and residents totaling 14, of which his parents and family count as half. There have been remarks about the rentals that he has, comparing them to a commercial venue, that has been operating in violation. He stated that

they had acquired their permits through legal and proper steps. No one had leniency on our permits. Maple Ln. is a private lane that has been maintained, graded, snow removal, concrete pipes and graveled done by his family, mainly his father. We only count as half of the people who have a right-of-way access. This expense is because there is no HMO [sic]. If this venue goes through, this means more expense on his family. The Planning Commission are putting conditions on the party goers. Well, not using Maple Ln. The owners of the venue have used Maple Ln. for building the venue and promoting the venue for two years. There has never been an attempt to service Maple Ln. In fact, they make sure their gravel doesn't spread to Maple Ln. This is another reason why we cannot depend on conditions put in place. Maple Ln. is required to be used only by utility service(s) provider(s), per the conditions. This is a lot of different titles. He reiterated that there is no HMO [sic], and nobody else is paying for maintenance. This cost will be put on people who already have lots of money and time invested. He stated that we have not even gotten to the safety issues of entering and exiting Maple Ln. Two cars can't even pass each other without pulling into someone else's yard. He stated that Mr. Dinges personally made a point of telling him and his wife that their son had almost hit him pulling out of Maple Ln onto Rt. 638. What will happen when the venue is up and running, with the party goers leaving from whatever right-of-way on Rt. 638, not knowing the road. He asked the Planning Commission if they would pass this if it was in their backyards. Party goers leaving at all hours of the night on the state road that has less right-of-way than is required to subdivide a lot that does not have state road frontage. Ask yourselves if you would pass this. The proper channels were not taken. Permits before building. That's why we're here.

Michelle Long: She pulled the minutes for the Kite Hollow campground and the Cape Solar application. Just about every complaint was about noise, the amount of traffic, and how it would affect neighboring properties. Regarding Cape Solar, she quoted Ms. Grech as saying: "I have come to the conclusion that this project would have adverse impacts on the character of the neighborhood, the district and our community. It would also have adverse impacts on abutting and neighboring properties. That is why I recommend denial of Cape Solar." Mr. Smelser seconded, and it passed 4-0. With Kite Hollow campground, there was a motion to recommend denial of the SUP because, in the Planning Commission's opinion, it had adverse impacts on the character of the neighborhood and the neighboring properties. The motion was seconded and passed 4-0, denied. She asked how this are these any different from this application, which is actually closer to neighboring properties than either one of the applications. It is in a rural area, and you denied both of these. She stated that she doesn't know if the Planning Commission knows this, but the Dinges' are currently in violation with the county for not going through the proper process of getting their permits. They have been notified numerous times, given chances to come in compliance, but yet they continue to do work without the permits. She knows the process. She knows you can put stipulations and conditions on them. But she also knows how long it takes for that process to go through. It is nothing but headaches on all these neighboring properties that we have to deal with. She thanked the Planning Commission.

Jeff Dinges: I'd like to say that they have gotten the proper permits for the septic system. They followed what the engineering and health department wanted. Their barn was already established. It has been there for years and years. All they did was remodel it. Plans are in place for fences. They already have trees and some fence up. They will not use Maple Rd. for the venue event. He knows the Long's son. He never said anything out of the way to him as far as running him off the road. As far as the culvert pipe, that has been mashed down for years. He had nothing to do with that. They are not out to ruin anybody's lives. They originally started this for his daughter's wedding. It grew into this due to the money they have

invested. They want to do this. They want other people to enjoy the facilities. They really fixed it up and made it beautiful. They've never had any problems with their neighbors. Most of them are his wife's family. When it comes down to what other people want, they want what they want with no exceptions. It's taken a long time – Tracy can tell you. They've worked with VDOT to try to come up with a solution to the entrance. It's been one thing after another. He thanked the Planning Commission for their time and service. He reiterated that they are not there to ruin anybody's lives. When they walked outside of the venue from their daughter's wedding, you could barely hear the music from inside the building. The noise issue is not going to be a problem. Whenever there is something going on at the facility, one of them will be there. It will not be left unattended.

Vincent Housden: He lives about 100 yards behind the barn. When he has parties there, you hear a lot of music. When the music is done, you have a lot of cussing. He knows Jeff Dinges well – he's threatened to shoot him half a dozen times, and a lot of his neighbors. The house and land he's stole off of him [Vincent]. He is speaking to two lawyers in Northern Virginia that are trying to get back for him. He stated that he [Mr. Dinges] hasn't paid Mr. Housden one penny for house or land. He indicated some specifics regarding the acreage, value, and other characteristics of the property. He reiterated that he is speaking to two lawyers in Northern Virginia to try to get his land and house back. This happened in 2007, and Rodger Smith found out about it the year before last. Mr. Housden stated that he didn't know it. He stated that he [presumably Mr. Dinges] made up the will. So, he is fighting it. Mr. Housden told the Planning Commission not to give Mr. Dinges the right-of-way, because he might be getting it back.

Amanda and Andy Kerns (Amanda Kerns came forward): They live across the road. Where they want to put the driveway, there isn't enough clearance. Honeyville Rd. is dangerous. Where they are putting the driveway, you don't know which way they're going to turn. What is bothering her is the traffic. Not only that, the headlights are going to come into their house. She is up at 5:30 in the morning to work. How is she going to sleep with all these lights coming in. Her point is the traffic. She thanked the Planning Commission.

Kim Rhinehart: She has been living in her house for ten years, this October. She has a child and nieces and nephews. As everyone else has mentioned, Honeyville Rd. is a dangerous road. She can't wait to move off of that road. She knows this is outside the Planning Commission's control. She stated police have been contacted to help make the road safer for the children. Her own child has almost been hit while standing in her yard. And now we want to add 195 people and a number of vehicles. She lives on the straight stretch. She asked: You know the Ida stretch we used to race on when we were kids? That's now Honeyville. That's what they do. Her main concern is not only the safety of her child – she can't even check the mailbox. She's scared to even bring her nieces and nephews over there because she doesn't know if that would be the last time she sees them. She's not opposed to someone getting their own business – we need it. Location is key. Another part of being a business owner is being a friendly business owner, and to do that you have to be a friendly neighbor, and that is one thing they have not been. They can't even put their sign properly in their yard to let people know. She stated that she may not be an adjoining property owner, but she is a neighbor that will be affected by this venue. Safety, speeding. And if he gets an ABC license, let's add drunk drivers. Maybe the people at the end of the road can have one crash through their house. Nobody should have to go to sleep wondering if they're not going to wake up because they might get run over by a car, much less be worried about playing cornhole with her son in the yard. She asks that the Planning Commission takes everything in consideration, think about how members would want to feel safe playing in their front yard and back yard, check

your mailbox, and back in and out. She requested they think about the safety they want for themselves and their family, and then think about the people on Honeyville. It is a scary road. She calls it Ghettoville. Break-ins, burglaries. Her son's bike has been stolen out of the front yard. It's just going to get worse. If we add people that don't know the road. She commented on an accident she witnessed. We're just going to add more to however many 9-1-1 calls we have on the list if we allow events and weddings. She thanked the Planning Commission.

Mr. Clatterbuck indicated that there were no more speakers. Chairman Burner closed the public hearing at 7:32 p.m. He noted that this was the portion of the meeting where the Planning Commission members debate the special use permit, itself. At this point, there is no more public comment. This is discussion time for the Planning Commission members. He asked for discussion on the SUP.

Ms. Grech thanked the public for speaking. She knows its nerve-racking to speak. She has been in the same position before she was a Commissioner, and she was scared to come up and speak. It's been a couple years now, and she's more confident now. She's no longer scared to speak. So, she will bring up her concerns. She would like to address a few concerns that the public raised before she addresses the concerns she prepared. She has taken notes, and there are a few things that stood out. Someone said there was a petition that was turned down. She asked Ms. Clatterbuck to speak to that. Mr. Cubbage briefly clarified from the audience the point he had stated earlier, related to a different project on Balkamore Hill. Ms. Grech expressed she now understood. Ms. Grech stated that someone mentioned a photo op on December 10th with 100 cars. She is concerned about that. If that is true, that would indicate that there was a commercial use prior to the filing of this SUP. Somebody mentioned some prior violations. Somebody mentioned it is currently in violation. She thinks we need to hear some history of this. She stated that she had no idea there was a prior commercial use. She asked Ms. Clatterbuck to provide some history of the parcel. She would like to know when the poultry operation was started, how long it has been operations. She was told it is a full-time operation. She would like to hear more about that. She would like to hear more about when the barn was put in, when it was renovated, and at what point it may have been used as a commercial use that the Planning Commission has not been made aware of before now. She asked Ms. Clatterbuck for some history.

Ms. Clatterbuck stated this property does currently have a notice of violation served on it. In August of 2021, she received a complaint that the applicant's were renovating a barn, and that they were going to use it as a venue. At the time she received the complaint, she had a previous working relationship with Mr. Dinges, working on another SUP for an automotive repair facility that was completed earlier that year. She felt comfortable calling Mr. Dinges and ask him if the complaint was true, that he was renovating the structure and had plans to open a wedding venue. Mr. Dinges told her that they were renovating the barn for his daughter's wedding. At that time, she asked him if he was opening it up to the public, and he stated no. She told him that if he did, he should know that just like the automotive repair facility, banquet facilities are not a by-right use and he would need to go through an SUP. He reiterated that he is not doing that right now, may pursue it later, but for now it was just for his daughter's wedding. A notice of violation was not issued at that time. This was just a phone conversation. About a month later, she received an email from the Health Department that they had received an application for a sewage disposal permit for a wedding venue, and they asked if the County was aware of this. She responded that she had been told that this was a private event, and there was no application for a venue. In December 2021, the Dinges' did come in and submit an SUP application. They were working through issues with VDOT and the Health Department. Ms. Grech asked for confirmation on the date of this, and Ms.

Clatterbuck repeated December 2021. They were working with design of entrance and with design of the septic. Several months went by, and she would follow up with the applicants, VDOT, and the Health Department. At one point she was given documentation from the Health Department that the applicant's had withdrawn their request. According to VDOT, the applicants were still working on an entrance. Ms. Clatterbuck stated that, as the Planning Commission knows, she won't bring an SUP to their attention until it's completed. After six months of inactivity, applicants need to reapply. In December 2022, she received another complaint that they had opened up their venue to host photography sessions. That is when the notices of violation were submitted. Ms. Grech asked for confirmation on the December 2022 date, and Ms. Clatterbuck confirmed. Ms. Grech noted that this was a full year later, and Ms. Clatterbuck agreed. Ms. Grech asked what happened in December 2022. Ms. Clatterbuck stated that a notice of violation was issued. Mr. Dinges responded promptly to this notice, saying they were still working with VDOT and the Health Department. They addressed the use of the photography event. She told Mr. Dinges that they could not have any more events until they go through the SUP process. She has a note in her file that they were going to follow up on this in one to two months. In March 2023, she received the second SUP application, which is now in front of the Planning Commission.

Ms. Grech thanked Ms. Clatterbuck for providing that background. Ms. Clatterbuck asked if Ms. Grech would like her to answer the other questions related to history of the structures. Ms. Grech affirmed, saying that's where she was going to go next. She said Ms. Clatterbuck had stated that in August 2021, she received a complaint about a barn renovation to be used as a venue. Ms. Grech stated that Ms. Clatterbuck had indicated that she had not issued a notice of violation because he confirmed it was just a renovation for his daughter's wedding. Ms. Grech asked what the renovation consisted of. Was it a new structure? To what extent was the barn was renovated, and to what extent was it new. Ms. Clatterbuck stated that the structure was an existing barn that they remodeled on the inside. She says she's not 100 percent sure, but she thinks not all of it was enclosed, and one side may have been open. They had completely enclosed it and put windows in. She had not been in the venue [at that time]. Mr. Dinges was very honest and said they had done interior work. But at that time, since it was for his daughter's wedding, it did not require any building permits. Ms. Grech stated, since it was a barn that was not entirely enclosed, it had some open sides. She asked if such a structure is considered differently than a dwelling or commercial venue in the Zoning Ordinance, since it was not enclosed. Ms. Clatterbuck answered no, because the footprint wasn't expanded. Ms. Grech clarified, asking if it was just enclosed and renovated, and Ms. Clatterbuck confirmed. Ms. Grech stated she may have some further questions in a bit.

Ms. Grech asked if the poultry operation was already in operation at that point. Ms. Clatterbuck stated yes, and that according to the Commissioner of Revenue Office's records, the poultry house was officially taxed in 1989. So, it is possible it was initially built in 1988. Ms. Grech stated that the poultry house was long-preexisted the renovation or any commercial use of the barn, and Ms. Clatterbuck confirmed, adding that the Commissioner of Revenue Office's records indicated that the barn existed prior to the poultry house. Ms. Grech clarified that the barn existed prior to the poultry house, but it was not renovated, and Ms. Clatterbuck confirmed, adding that in 1991 the previous owner applied for a permit for a litter shed. Chairman Burner clarified that all of these buildings predated the zoning ordinance, and Ms. Clatterbuck agreed, stating that was the only thing they had a zoning permit for. Ms. Grech stated, but they don't all predate as they exist now - the barn has been remodeled. Chairman Burner asked if when the barn was initially renovated, was it labeled an ag structure. Ms. Clatterbuck stated it was classified as an Ag structure.

Ms. Grech thanked Ms. Clatterbuck. She stated that there were a few other things that she has concerns about. Mr. Dinges said that he got the proper permits for the septic. She expressed that she thinks Ms. Clatterbuck has clarified that the permits were not even sought until quite recently. Ms. Clatterbuck stated that the SUP that is currently in front of them was received in March 2023. Ms. Grech stated that this was all she had concerning public comments. Before she gets to her own concerns, she wanted to give her colleagues an opportunity to address their own concerns.

Mr. Smelser stated that they always say that we are the workhorse of the board. He believes Ms. Grech is the workhorse of the Planning Commission. She does a lot of good work. He thanked everyone for coming out and sharing their opinions. Someone had touched on the other applications we reviewed and were denied and the reasons. He personally went out reviewed this. He was contacted by multiple people present. He met with Mr. Dovel. He expressed to anyone who hasn't been out to see the site, it is truly in their backyard. The application in Kite Hollow wouldn't have nearly affected the people as much as he feels this would affect the daily lives of the people who are in the room. That being said, VDOT signs off on stuff, we have to go by what VDOT says. He understands the traffic concerns. He has family who has lived on that road. It is quite dangerous. We have to take everything in consideration with this application. He likes to champion small business, but there is a right place for business. That's why zoning laws are in effect – so there are not conflicting uses side-by-side. So, having an agricultural area and a residential area, throwing in a commercial use doesn't often work out well. Those are his thoughts. He appreciates everyone speaking and being respectful. He knows Ms. Grech has more comments that he wants to hear, and others may have some of their own thoughts. Ms. Grech often answers his questions when she speaks. He asked if anyone else wanted to speak.

Mr. Turner stated that as a farmer, he likes to see farmers do what they want to do. He went out and reviewed the property, himself. It is pretty close. We have rules and regulations for people who are farmers and we have rules and regulations for people who are landowners. To him, this goes above and beyond a farming situation, and he really can't support it.

Mr. Adams thanked everyone for coming out. People had mentioned building in their back yard. He stated he lives beside the Houser property where the solar farm was being considered. He knows how it feels. He has received a couple calls and emails from landowners. He jotted everybody's name down that spoke tonight, and pretty much every property that borders Mr. Dinges' property spoke in disapproval. He agrees with Mr. Turner. There's a time and a place for something like this. He thanked the public.

Ms. Grech asked if Chairman Burner wanted to speak or if he wanted her to continue, and Chairman Burner indicated she could go on. She also had a few phone calls. She also visited the site this morning and took a few pictures. The Planning Commission is a mitigation board. Some people in the audience may not be familiar with the way the Planning Commission works and what it does. The Planning Commission will not make the decision on whether this permit is approved or refused. The Board of Supervisors does that. We're just going to look at it, and we're going to give the Board of Supervisors our opinion. The five members of the Planning Commission are going to take a vote and give them their recommendation. It is incumbent upon us to justify whatever decision we make. If we don't justify the decision, whether it is a yay or a nay, it could go to court. We can be accused of being arbitrary and capricious, meaning we weren't serious in looking at this. This is why we are asking the questions. This is why we are doing our homework. She stated that for those who know me or mentioned me or followed the solar or campground applications, she always

does her homework very thoroughly. It is no coincidence that everyone looks at her, because she does her homework. She is not saying her colleagues don't, but she does her homework very thoroughly. Her background is law, and she knows how easy it is to attack a decision when it isn't properly grounded. If there's way too much traffic, that needs to be proved. Whatever decisions we make, we have to have reasons grounded in the zoning ordinance. Having said that, she did go out to the property. She confirmed that everyone of her colleagues went out, and everyone confirmed. She agrees that the neighbors are way too close. Ms. Grech confirmed what Ms. Clatterbuck had stated regarding questions she had sent out. She stated that she had asked how many wedding venues had we approved in the past that were this close to neighbors. The answer was that we had only approved four since we started regulating them by SUP. One of them, dwellings were 600 feet away, for another, 1,500 feet, for another 750 feet, and for another 750 feet. In none of them were dwellings this close to the venue. So, we already have a different set of facts. GIS informs us that there are 34 dwellings located within 750 feet of the property. The facts are not the same as things we have ruled on in the past. She also asked how many venues were approved that were close to confined feeding operations. This is the term we use for a poultry house. This one is 200 feet from an existing poultry house. The Stoneyman Valley Ranch venue has no poultry house close by. The Shawnee Farms venue – 3,000 feet to the east. The Barn of Luray venue – 2,000 feet. Painter venue – 1,500 feet. Again, there were no wedding venues approved since these regulations were in place that close. Those things bother her. Her conclusion is that the set of facts in this case are entirely different from anything else that we have ever approved. Lots of residences close by, and a confined feeding operation close by. What bothers her is the size of the property, which is 5.719 acres. That is awful small for a wedding venue and a confined feeding operation. The problems that the public have described all come from the fact that the property is so small. Everything is squeezed together and squeezed against the neighbor's property. Had this been a larger property, it would not be so close. She has a problem with the size of the property, the proximity of the neighbors and the proximity of the confined feeding operation to the wedding venue. We can't do anything about the confined feeding operation's proximity to the neighbors.

Ms. Grech stated that a couple months ago, we had a discussion on confined feeding operation. She looked at the minutes. She had been very skeptical of reducing the setbacks of confined feeding operations from proximate residence from 600 feet to 300 feet. Right now, if the situation was in reverse and the wedding venue already existed and there was an application to put in a poultry house, we'd have to refuse it because it is less than 300 feet. It is only 200 feet. At the time we were discussing confined feeding operations about reciprocal setbacks. The argument was made that it's not fair for a confined feeding operation to have to stay X number of feet away from a house if the house is preexisting, but if the confined feeding operation is preexisting, a house can be built wherever they want. That's not fair. We need to protect the farmers. It needs to be equivalent. She went to the section of the ordinance that we reviewed, and it is § 125-33. We have 300 feet setbacks from residences and 600 feet from businesses. She thought about reciprocal setbacks, and she found § 125-10(H) in the Zoning Ordinance. This section concerns what you can do in Ag land. She read this aloud: "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." She stated that we have a part of the Zoning Ordinance that tells us that we can't have a commercial operation within 300 feet of a confined feeding operation. She stated that this is what she calls a reciprocal setback. She stated that she doesn't see how we can approve an SUP that in her opinion is in violation of what she just read. It very clearly says "...any other structure designed for public

occupancy." Now it also mentions any new structure, but that isn't the same part of the sentence. She stated that people may have wondered where she was going with the questions about the barn. She stated that for those who know her, she's always going somewhere. That barn was a farming operation. From the moment it was transformed, when it was enclosed, it became a venue – a commercial operation. That is a new use. In her opinion, there is no way we can grant the SUP when we are in violation of our own zoning ordinance. And that is in addition to the points that were brought up about adverse effects on the neighborhood and the neighbors. She stated that there is one thing that she wants to say about all of this. In all of the comments that the public made and in what she is trying to say, here, the purpose of the supplemental rules on confined feeding operations, and the purpose of the noise ordinance, is to regulate public safety. We are a mitigation board. That means we are trying to make peace between you all [referring to the audience]. We are trying to find solutions to be fair on one and on the other. We have guidelines to do that – this is the zoning ordinance. We need to look at that. Then we need to come up with conditions to help make it better. But we still need to decide whether we are going to approve it with the conditions, or whether we're going to deny it. She stated that she thinks in what she just said, there is a lot to unpack, there is a lot in the conditions, and she is very skeptical that in approving this permit we would be A) respecting our zoning ordinance, and B) doing our community a favor. She is not sure she can support this project. She is not sure she is ready to make a motion tonight. She reiterated that there is a lot to unpack in what she just said.

Mr. Smelser stated that all of this was very well said, and he applauds her for all the work she put in. With that being said, he was prepared to make a motion. He motioned that the Page County Planning Commission recommend denial of the special use permit to operate a banquet/event facility on property located on Honeyville Road, Stanley, VA, and further identified by tax map number 79-(A)-76A. Mr. Turner seconded the motion. Chairman Burner asked for a roll call. The motion passed 4 (Ms. Grech, Mr. Adams, Mr. Smelser, Mr. Turner) to 1 (Chairman Burner).

B. Zoning Ordinance Amendment- Self-storage facilities

Ms. Clatterbuck stated that the only thing that was changed since this was last discussed was that we change the "shall" previously recommended by the county attorney to "may." She reminded them that this code amendment came about because there were citizens with facilities that are being constructed that this ordinance impacts. She indicated that she doesn't have anything to add.

Chairman Burner paused discussion. He stated to those members of the public present that they are more than welcome to stay, but we are going to be here for some time longer about other matters. The meeting paused for a few minutes while most of the public gathered to leave.

Chairman Burner opened the public hearing at 8:04 PM. Ms. Clatterbuck indicated that there were no speakers. Chairman Burner closed the public hearing at 8:04. He asked if there was any discussion or comments on the proposed language. Ms. Grech asked for verification that we were still looking at the draft dated 5/24, and Ms. Clatterbuck confirmed. There was no discussion.

Ms. Grech made a motion to approve the amendment to the text as shown in the 5/24 draft concerning storage facilities. Mr. Adams seconded the motion. The motion passed unanimously (5-0).

C. Zoning Ordinance Amendment- Wireless Communication Facilities
Chairman Burner asked if Ms. Clutterbuck had any staff comments, and she stated that she did not, and that this item had been discussed before.

Chairman Burner opened the public hearing at 8:06 p.m.

Ed Donohue: He introduced himself and stated that he represents Crown Capital. He supports the amendment; we think it's the right way to go. He is addressing the Commission tonight to address any confusion about what was meant in engineering reports that have been provided in the past. He referred to a letter dated June 8, 2023 regarding the redundancy of the guidewires and why they were removed. Under the circumstances, they support the zoning text amendment. He thanked the Planning Commission.

Ms. Clatterbuck stated that there were no other speakers. Chairman Burner closed the meeting at 8:07 p.m. He asked for discussion/comments.

Ms. Grech stated that it seemed to her that the language change was a matter of procedure, not content. She expressed appreciation for the input of the gentleman who just spoke, but she doesn't feel this is the appropriate venue to express content at this point, since it is not going to come in front of us. She told Mr. Donohue that it would be appropriate for him to answer questions in front of the Board, since it is isn't going to be under the Planning Commission's purview. She thanked Mr. Donohue.

Ms. Grech made a motion to approve the amendment to the text of wireless communication facilities, §125 30.3 of the Zoning Ordinance. Mr. Smelser seconded the motion. The motion passed unanimously (5-0).

<u>New Business</u>

A. Adoption of Minutes- ***April 25, 2023, May 9, 2023 and May 23, 2023***
Chairman Burner allowed some time for Commissioners to review the minutes included in the agenda packet. Mr. Hahn indicated that these minutes would bring us up to current day. Mr. Turner made a motion to approve the minutes as presented. Ms. Grech seconded the motion. The motion passed unanimously (5-0).

B. Commercial Outdoor Recreation Facilities Discussion
Ms. Clatterbuck stated that this was a follow-up to our campground subcommittee discussion. Currently in the Commercial zoning district, commercial outdoor recreational facilities, as defined in the memo Mr. Hahn has created, is allowed by-right. In all other zoning districts, unless constructed and operated in conjunction with camps or campgrounds, country clubs, or golf courses, commercial outdoor recreational facilities are prohibited. In starting to work on revision of this section, staff is hoping the Planning Commission would provide direction on whether or not they wanted to see recreational facilities allowed in districts beyond the Commercial District. She referred to options on Page 2. Mr. Hahn reiterated that the goal was to keep this simple but help staff and members of the Planning Commission try to resolve issues with the campground ordinance being inconsistent with other portions of the Zoning Ordinance.

Chairman Burner expressed his thoughts that Option A went out of the window given the results of the SUP earlier in the night. At issue there was commercial use right beside

residential use. Complaints of noise and traffic will be the same complaints we hear for recreational facilities in A-1 and W-C District. There's no way we can allow recreational facilities as a standalone via SUP. He stated that he doesn't think that what we have is broken. Leaving this "in conjunction with a campground" at least limits the area where they can be placed.

Ms. Grech stated that § 125-22 really needs to be redone. She stated that staff has asked for direction, but she thinks they are asking the wrong board. This board does not set direction for major decisions like this. That is the Board of Supervisors. It would be nice to know where they are leaning. She stated that she wished Mr. Hahn had quoted the text of § 125-22, which would have saved her from having to go and look in her book. She would have liked to have the text on the paper to look at, since that section of the code was mentioned. She stated it was a good thing she had her book with her. She stated that this section hasn't been amended since 1999. It isn't timely. It's vague. It mentions parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, riding stables or academies, country clubs, golf courses and driving ranges or miniature golf courses, which she considers to be a hodgepodge. She thinks we absolutely need to go back and look at this before we can proceed. She stated that the memo also mentions § 125-30.13. She stated she has the same comment. She wishes Mr. Hahn had provided the text so that we could look at it on the same page. She happens to have it here. It all needs to be looked at the context. She understands what staff is asking for. But she thinks that it all needs to be looked at together, but that doesn't invalidate any of the previous comments. The decision is basically if we are going to allow commercial recreational facilities outside of campgrounds or not, and how. This is a can of worms. That's why the campground subcommittee didn't address it. Campgrounds are only a very small reference in § 125-22. If staff wants to poll the Planning Commission about how we feel generally about regulating recreational facilities, it depends on what we call a recreational facility. She asked if the definitions in the memo are the existing ones. Mr. Hahn affirmed. Ms. Grech stated that they need to be redone. Mr. Hahn agreed. Ms. Grech stated she'll talk apples and oranges when we define the apples and the oranges. She doesn't think all recreational facilities are part of the same discussion. She feels reluctant to commit to one opinion or the other if we don't know what we're talking about. They've heard about ziplines, and they've also heard that the Board of Supervisors is considering constructing an indoor recreational facility that the county would be operating. A recreational facility can be a small campground or a large golf course. She questioned asking the Planning Commission to have an opinion on something so vast.

Chairman Burner stated that we are the Planning Commission and we provide a recommendation to the Board of Supervisors. We don't ask their opinion and then formulate what they want to have said on a piece of paper. If they agree or disagree, that's up to them. Ms. Grech stated: "Yes and no." Many times before, the Board has given us direction on what they want us to do. For instance, with guest houses. They've often given direction. She stated she doesn't mind giving direction. She isn't trying to shirk her duty. She is merely stating that we need to be very careful before we take a position – we need a nuanced approach. Right now, I think if we allowed them, it would need to be by SUP. But she thinks it would be a can of worms because of the wide breadth of recreational facilities.

Ms. Clatterbuck stated that the reason we brought this up was the conflicting wording in § 125-22. To not stall production on the campground ordinance, she asked if staff could bring language to clean up § 125-22. Ms. Grech stated absolutely, but she has another solution. Instead of allowing these by SUP or disallowing them except in campgrounds, maybe we could imagine a what-if scenario – if we were to consider recreational facilities independent

of recreational facilities – what would it look like? Then she would feel more comfortable answering the question that has been asked.

Chairman Burner stated that he would pull all references to recreational facilities out of the campground ordinance and pass that document as it is. Then we can work on a recreational facilities amendment. But he still feels it needs to be tied to campgrounds. You need to run through two SUPs in that situation. If someone submitted an SUP for a campground, and they wanted to install a recreational facility, they would need to go through an SUP. From a public hearing standpoint, we would do the campground SUP first. If that SUP is denied, the recreational facility is also denied. If the campground SUP is approved, we could deny the recreational facility given neighboring complaints. Ms. Grech stated she doesn't think this is a bad approach. However, there is a reference to campgrounds in § 125-22. Chairman Burner stated that we could then create a standalone ordinance for recreational facilities. Ms. Grech asked Chairman Burner if he disliked the distinctions made by the campground subcommittee regarding certain recreational facilities, where essentially, they were allowing certain recreational facilities by-right *within* the campground SUP, and anything beyond those would require a separate SUP. She asked whether Chairman Burner was saying that a playground for kids would not be allowed within a campground except by way of a separate SUP. She asked if this was not unfair. Chairman Burner referenced Bluewater and the slide. Ms. Grech stated that she thinks it then comes down to slides. For example, the subcommittee purposely allowed a swimming pool, but not a water park, so we may need to take a closer look at definitions. It seems to her that certain recreational facilities make sense within a campground, but to make all recreational facilities have to go through a separate SUP seems to be too much. She thinks some of these are accessory uses of a campground. Chairman Burner stated that the main goal of a campground is lodging. Ms. Clatterbuck stated that recreational facilities are already part of the campground ordinance. Chairman Burner stated that we would need to determine where to draw the line and anything after that would need to have special conditions directly related to that purpose of recreation. Ms. Grech stated that it was really a matter of drawing a line between campgrounds and recreational facilities. The subcommittee decided to draw the line where they felt certain uses were a customarily part of campgrounds. Anything that crosses that line, you need a separate SUP. She suggested that what Chairman Burner was suggesting was moving that line all the way over to require separate SUPs for all recreational facilities. Chairman Burner indicated he would be okay with some very basic things. Ms. Grech stated that was just a matter of moving the line a bit. She has no problem renegotiating where the line is at. There was more discussion regarding the reasoning behind the subcommittee's decisions.

Ms. Grech stated that the question is, do we really want to open up our county to recreational facilities outside of campgrounds. Mr. Hahn confirmed that this was the question staff asked. Ms. Grech asked if we want water parks, zip lines, indoor ski resorts. She expressed a desire to hear from Paul Otto what the conversation was related to these topics years ago. She asked why the county decided to disallow recreational facilities outside campgrounds. There must be a reason. So, the only reason to change that would be to allow more of them. Mr. Turner added, or bigger. Chairman Burner stated that those kinds of recreational facilities should be located in commercial areas, next to the growth tier, near roads that can handle it. Not in the middle of Ag land. Other commissioners expressed agreement. Mr. Smelser stated that he loves the idea of that kind of commercial growth, but he thinks it fall back to a zoning issue for us. Chairman Burner said it would fall into the same problems we just discussed. Mr. Smelser stated that it needs to be in Commercial zoned property, and we probably need to have more property zoned Commercial. Chairman Burner stated that he's been on the Planning Commission long enough to have seen these processes work. The Board states they

need this, but then the phone calls start coming in with people not wanting something next to them, and then we have to figure out what to do. We're better off getting it right from the start instead of trying to cover our tails. Ms. Grech stated that boils down to having an SUP, where we can impose conditions, versus a rezoning, where we can't impose conditions. So, if we allow recreational facilities in Commercial by SUP, we are going to have a lot of rezonings to Commercial. Chairman Burner stated this was the strength of the supplemental regulations. Ms. Grech stated that this was exactly right, but the supplemental regulations applied across the board, and do not take into consideration differences between one SUP and another. This is the eternal debate: would we rather have these come in front of us as an SUP, or would we rather have them come to us as part of rezoning. Chairman Burner stated he would rather have rezonings, because we can control the locations more. Ms. Grech stated as long as the supplemental regulations were well written, maybe.

Chairman Burner stated that we should probably look at definitions for lodge. Ms. Grech wanted to state for the record that, having put a lot of thought into this with the campground ordinance, there are a couple terms that we need to be very careful using: the terms lodge and resort. They mean a lot of things to a lot of different people. To some, a resort is a campground with recreational facilities. Both agreed that it all comes down to definitions.

Mr. Hahn asked if the general answer to the question posed at the beginning was Option B, as that seemed to be what he was hearing. Ms. Grech stated that she was not sure. She would like to see us come up with both. Chairman Burner stated that it was more the bottom of Page 1, and then the Planning Commission would decide within the campground ordinance what minimal recreation facilities would be allowed without having a second SUP. Mr. Hahn clarified that the question was about commercial recreation facilities. Ms. Grech asked why we need to choose between A and B. We can imagine what A would look like, and we can imagine what B would look like, if we care to define the supplemental rules. Mr. Hahn stated that the question for tonight was more in response to Chairman Burner's task to staff the previous meeting to answer a bigger question. Given the agenda, we wanted to answer a smaller question, which wouldn't be a final answer, but one that would indicate a direction for staff. Unless we're going to have another subcommittee to answer some of these, it would be helpful if the Planning Commission could answer conclusively that it doesn't want Option A. Then we could move on to the next thing. He stated that he would be happy to answer questions that Ms. Grech is asking, if we need to. Ms. Grech stated that the problem with "conclusively" is that we are likely to go two months in one direction and then need change our minds and have wasted time. That is why she would like to not make any conclusions without seeing options. Making a decision now would be to put the cart before the horse.

Ms. Clatterbuck stated that Chairman Burner's concerns were related to the language in § 125-22. Fixing language in that won't be a quick fix. She asked if the Planning Commission wanted to complete the campground ordinance or put that on hold to fix these other parts of the ordinance. There was discussion regarding what adjustments would be necessary to allow certain recreational facilities within a campground, such as swimming pools and miniature golf. Chairman Burner stated that larger items need to be pulled out of the campground ordinance so that § 125-22 could apply. This would be things like water parks. If somebody wanted to have a water park in A-1, it would have to be done in conjunction with a campground. Chairman Burner stated that the reason he originally brought it up was because the campground ordinance stated that fire rings needed to be seven inches in height, but he had stated 8 inches in an SUP, and he was in the wrong. He wants to avoid a situation where another campground comes in and we're setting in a subcommittee, and we give them permission to do something that they're not allowed to do.

Ms. Clatterbuck asked where we should go from here and if we should put the campground ordinance back on the agenda. Ms. Grech stated that the recreational facilities is really one sentence, if we look at it right now. She added that as chair of the campground subcommittee, she doesn't see an urgency for the campground ordinance to proceed forward because she doesn't see a way it can move forward if it isn't congruent with § 125-22. So, unless we review § 125-22, the campground ordinance can't proceed forward, anyhow. We're going to have to work on these at the same time. She referred to the campground ordinance draft in § 128-5(D), which are "Recreational facilities such as miniature golf, inground pools, picnic grounds and/or picnic shelters/pavilions, dog parks, playgrounds, jumping pillows, climbing walls, horseshoe pits, basketball, volleyball, tennis, and pickleball courts, and fishing ponds are considered accessory uses in a campground." She stated that that was it, that it was fairly minimal. She asked if there was something that Chairman Burner would like to see stricken from that list. Chairman Burner stated that he would like to see clarification with regard to inground pools. Ms. Grech added that "Other recreational facilities proposed beyond those listed shall be considered in accordance with applicable zoning ordinance requirements." She mentioned that the campground subcommittee had added some prohibited uses, but we couldn't agree on that, so we took it out. Chairman Burner stated that he would like to see those prohibited uses removed completely and leave it for commercial recreational facilities. Ms. Grech stated that we could define inground pools – this is just a matter of modifying a definition. She asked if we should redefine fishing pond, and they agreed that this was part of § 125-22. Chairman Burner stated that he didn't think it was so much the definition of inground pool so much as the size. Ms. Grech suggested a definition: "For the purposes of this ordinance, an inground pool shall be a maximum size of X" and add language regarding a slide and height. She asked Chairman Burner if this was acceptable, and he stated that this covered his concerns, and that other factors could just be left to the SUP. Ms. Grech asked Chairman Burner if he was okay with a dog park and a climbing wall. Chairman Burner stated that climbing walls are becoming more popular and a more of the norm. Ms. Grech stated that we had spent quite a bit of time on these recreational facilities. Mr. Smelser agreed that the climbing walls are usually pretty small, and some of them are portable. Chairman Burner agreed, stating that it wasn't like they would get 500 people in one day for a climbing wall. Ms. Grech added that with fishing ponds, she couldn't remember why this was added, but someone felt that it should be added, and they didn't realize it would be a conflict with another section of the code. Chairman Burner stated that he didn't have a problem with that being added. If you want to have a fishing pond in a campground, go right ahead. There was some discussion on where the conflict was with regards to fishing ponds – and this was eventually found in § 125-10(D(1)): "Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes pursuant to § 125-22." Ms. Grech stated that this language regards lodges or clubs, so she didn't see a conflict with fishing ponds in campgrounds. Chairman Burner stated that the language elsewhere refers to where lodging is allowed. Ms. Grech stated that she didn't think this would be too hard to fix. She stated that she would be happy to Ms. Clatterbuck or Mr. Hahn with this.

Ms. Grech asked if this was all Chairman Burner though might need to be fixed with regards to recreational facilities in campgrounds. Chairman Burner answered that we would not want an Olympic-sized pool in the Agricultural district. This should be specified up front. There was group discussion on what size constraints would be appropriate for pools. Ms. Grech mentioned other considerations, such as number of pools, and height of slides. Mr. Hahn added a consideration of who should use the pool. Ms. Grech agreed, and quoted from the current campground draft: "Access to recreational facilities by the general public, excluding campers and approved guests, is prohibited." There was more discussion on adding language

regarding diving and depth of pool. Mr. Smelser suggested eight feet depth for diving. Ms. Clatterbuck asked why we should care about diving boards. Ms. Grech agreed that this could be a can of worms. She suggested that no diving boards is what we're saying. Chairman stated that diving was irrelevant, but we should regulate depth. Ms. Grech agreed with Ms. Clatterbuck, diving boards are not our business. She stated that we could regulate the height of facilities, which the current draft establishes as 25 feet. She stated that this would include slides, and Mr. Smelser agreed. Chairman Burner said that if it's simpler, we could just limit it to number of pools and the size of pools. Ms. Grech asked what number of pools would be acceptable. Chairman Burner suggested one pool for every five acres. Mr. Smelser stated that it sounded like all we are trying to do is decide what is a swimming pool and what is not. Mr. Turner stated that he wouldn't want anything bigger than Schuler's pool. Chairman Burner stated that this might be close to Olympic-sized. Chairman Burner asked staff to measure Schuler's pool and then discuss that. Mr. Turner stated that for 50 to 100 campers, you'd have to have something at least that big. Ms. Grech stated that as a guide, she thinks Bluewater has three pools. Ms. Clatterbuck said that if you count the pool with the slide, then yes. Chairman Burner asked staff to discuss all of this and bring it back to the Planning Commission. Ms. Grech asked if we could leave fishing ponds, and Chairman Burner agreed. Ms. Grech asked about § 125-22, and she volunteered to help staff with this, as well as § 125-10(D(1)). Ms. Clatterbuck added a couple other sections that will need to be addressed.

<u>Unfinished Business</u>

A. Zoning Ordinance Amendment- Light Quarry Operation

Chairman Burner asked Mr. Hahn for an update on a proposed Light Quarry Operation use. Mr. Hahn referenced the two-page summary of his findings after speaking with Matthew Kretsch from Virginia Energy. Chairman Burner had asked staff to contact them to see what they would regulate if we allowed a light quarry operation. He noted that the first three bullet points were sent to him by email to confirm. The takeaway is that if the extracted material is processed in any way or sold commercially, that is when they would get involved. They would not be involved in what we have previously called soil borrowing. The rest of the document includes some definitions Virginia Energy uses. He stated that he had emailed Planning Commissioners the full documents that included these definitions. He stated that it is noteworthy that they distinguish between surface and subsurface. He noted that Mr. Kretsch frequently comes to Planning Commission meetings to offer expert opinions on some of these things. They operate similar to DEQ, where they are not going to review a project on their end until it has gone through the local SUP process. Mr. Hahn stated that he is happy to answer any questions regarding his conversation with Mr. Kretsch. He noted that Virginia Energy does not have definitions that make a distinction between extraction and excavation, so he included a document with some AI-derived language that does make the distinction clear. The basic distinction is that extraction is more about the product being pulled out, and excavation is more about the terrain that being left behind.

He asked if the Planning Commissioner had any questions. Ms. Grech asked if the draft for 6/7 had been modified since the last time we looked at it. Mr. Hahn affirmed. Ms. Grech asked if this was following the conversation with Mr. Kretsch. Mr. Hahn affirmed. Ms. Grech asked if this is what we are going to review now. Mr. Hahn answered that this was up to the Planning Commission. Ms. Grech asked if it incorporated the conversation with Mr. Kretsch. Mr. Hahn stated, for the most part. There are some decisions that the Planning Commission will need to make. He noted that Mr. Kretsch seemed to agree with Ms. Grech's concerns from three week prior that there was some overlap between the definitions for light quarry and soil borrowing. Mr. Hahn noted that this is why he removed "soil" from the definition of "Quarry Operation Light." There may be some more work necessary there. He noted that Mr.

Kretsch didn't much see the need for soil borrowing code, at least with regards to what Virginia Energy oversees. Mr. Hahn noted that Mr. Kretsch indicated there was nothing in the original ordinance draft that would go against state code, but he did note some possible some refinement. Mr. Hahn referenced the comments in the margins, which we could go through tonight, or give the members an opportunity to review more before discussing.

Chairman Burner asked if it would be more appropriate to use excavation instead of extraction, given that extraction is removal of a single product and excavation is the removal of a broad pool of products. Ms. Grech stated that the analysis that Mr. Hahn provided on page 3 answers this. Mr. Hahn stated that he thinks for the most part, Virginia Energy is looking at extraction rather than excavation. Ms. Grech stated that excavation is more of the process of archaeology or building a house, where extraction is more about the material. Chairman Burner stated that extraction was more about a specific substance. Ms. Grech stated that she agrees with using extraction rather than excavation.

Ms. Grech stated that she agreed with margin comments that we should remove references to "light" quarry operations, because if we leave it in, this would imply that we intend to have a heavy quarry operation. Mr. Hahn asked for clarification, and Ms. Grech restated. Mr. Hahn stated that he thinks it's just easier to remove "light" since there has been discussion regarding leaving "blasting" to the SUP. Ms. Grech stated that she agreed, but the question of blasting, we will need to talk about.

Ms. Grech asked what other changes have been made since the last draft. Chairman Burner referenced language standards regarding hours of operation. Mr. Hahn mentioned that feedback from the previous meeting was to add days of the week. Mr. Burner stated that 6 p.m. might be a little late, and he recommended 5 p.m. for both extraction and loading and unloading. Ms. Grech asked if loading and unloading wasn't also noisy, and Mr. Hahn stated that it depended on the setup. Ms. Grech asked if we wanted to have different hours for extraction than from loading and unloading. Mr. Hahn added that another option would be to allow hours to be specified by SUP. Chairman Burner stated that this should be a standard. Mr. Hahn expressed concern for people not able to get the quarry in time after work. Chairman Burner stated that the compromise is to allow loading on Saturday. The compromise for neighbors to quarry operations is to not allow noises from extraction after 6 p.m., and to allow people who work past 5 p.m. to load up on Saturday. Mr. Hahn asked if would be appropriate to establish a time in standards but allow the SUP conditions to be more strict. Ms. Grech stated that she wasn't sure it was necessary for the times to be the same for extraction and loading and unloading. It could be 8 to 5 for extraction and processing, and allow people to sell until 6 p.m., unless loading was noisy, which is why she asked. Chairman Burner said this would be okay. We just need to watch the traffic. He suggested 8-6 on Monday through Friday and 8-1 on Saturday for loading and unloading, in order to be more fair to the neighbors. Chairman Burner restated the wording: extraction and processing would be permitted 8 a.m. to 5 p.m. Monday through Friday, loading and unloading, sale of stone, sand, and gravel would be permitted 8 a.m. to 6 p.m. Monday through Friday, and from 8 a.m. to 1 p.m. on Saturday. Mr. Hahn stated he would make that change. Ms. Grech stated this sounded better.

Ms. Grech stated that it was 9 p.m. and she asked Chairman Burner if we could end the meeting, or if he wanted to finish the document. Chairman Burner asked how the Planning Commission felt about how the ordinance is, because he would like to schedule this for public hearing soon. Ms. Grech stated that there were a lot of things in here that we need to look at and discuss. Mr. Hahn expressed agreement, adding that a lot of the language on the

next page of the drafted ordinance used the proposed campground ordinance as a guide. Ms. Grech mentioned that blasting is not noted in the document. Mr. Hahn stated that the general consensus at the previous meeting was to consider allowing blasting as an SUP consideration. The earlier draft specifically precluded blasting, and this draft removed that language. Ms. Grech stated that it was not mentioned in the ordinance draft. Mr. Turner said it would be hard to have a quarry without blasting. Chairman Burner said it should be considered on a case-by-case basis. Mr. Hahn identified areas where it was implied. Ms. Grech stated that she believed it should be mentioned specifically, and Mr. Hahn agreed. He did some research on possible methods of extraction, and he will provide that list.

Mr. Hahn asked, in order for staff to move forward on this, if there were any other notes for staff to work on related to this ordinance. He noted that he is the person primarily working on this, and he would not be present at the next Planning Commission meeting. Chairman Burner asked Mr. Hahn to provide all material to him before the next meeting, and Mr. Hahn agreed.

Open Citizen Comment Period

None

Chairman's Report

Chairman Burner stated that given discussion tonight regarding the event facility, we don't currently have an event ordinance for zoning purposes. He asked everyone to give thought to the possibility of an event ordinance and we will discuss it at the next meeting. Ms. Grech stated absolutely. Mr. Burner stated it would be something very basic, establishing setbacks. Ms. Grech asked if this would essentially be supplemental regulations for an event facility, and Chairman Burner affirmed. That way people would know going in what would be required. Right now, we don't have that. Ms. Grech stated that she thinks it should be a bit more than basic. Chairman Burner stated as an example, if the facility will allow 100 or more people, your even facility needs to abut either a primary or arterial highway. Not a country road, where there might be 200 guests coming out at midnight. He asked for Planning Commission to be thinking about ideas to put in an event ordinance.

Clerk's Report

Ms. Clatterbuck yielded to Mr. Hahn, who referenced the new version of the use matrix comparison printout that the Planning Commission had received. Chairman Burner had asked that a new version be drafted for this meeting. Mr. Hahn wanted to point out two things as the Commissioners review this document over the next two weeks. One: this version now highlights in yellow any differences between the proposed Berkley Group version and our existing ordinance. The last version highlighted this in red. We changed this because we are now showing changes in red text from the Berkley Group's version to the Planning Commission's version, given discussion over the last few months. We have to show a lot of information, here. We're showing proposed changes from our current ordinance as well as proposed changes from what Berkley Group proposed. Second, in versions of the use matrix comparison document, the rural residential column was apparently not copied over from Berkley Group's version. When we began using the comparison document, which was after the residential use types, we may not have considered use types that Berkley Group had included within rural residential. As such, he recommended that the Planning Commission be especially mindful of any permitted uses within the new rural residential type that they disagree with. Ms. Grech asked about C-1 and C-2. Mr. Hahn stated that the Planning Commission had decided to eventually change what is currently shown as "C-1" column name to "N-C" for Neighborhood Commercial, and to change what is currently shown as "C-2" column name to "C-1" but to not incorporate these changes until later

in the process. He noted that a lot of what is "C-2" right now is "C-1" in our current ordinance, so this would involve less significant changes from current uses.

Adjourn

Mr. Smelser made a motion to adjourn. The motion was seconded by Mr. Turner. The motion passed unanimously. The meeting was adjourned at 9:10 p.m.

Jared C. Burner

Jared Burner, Chairman