



PURSUANT TO THE GOVERNOR'S LATEST EXECUTIVE ORDER, IN-PERSON ATTENDANCE IS LIMITED TO 10 PEOPLE.

MEETING WILL BE LIVE STREAMED ON YOUTUBE: [Page County, Virginia- YouTube](#)

AGENDA
Page County Planning Commission
Work Session
Board of Supervisors Room- County Government Center
103 South Court Street, Luray, VA 22835
May 25, 2021- 7:00 p.m.

Call to Order

- A. Pledge of Allegiance
- B. Moment of Silence
- C. Microphone Reminder

Adoption of Agenda

New Business

- A. Adoption of Minutes- April 13, 2021, April 15, 2021, April 22, 2021, April 27, 2021, and May 11, 2021
- B. Planning Commission Budget for FY2022

Unfinished Business

- A. Follow-up/Review draft of Zoning Ordinance provided by the Berkley Group

Adjourn

MINUTES
PAGE COUNTY PLANNING COMMISSION
April 13, 2021

DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE IS LIMITED TO 10 PEOPLE. THIS MEETING
WAS ACCESSIBLE VIA YOUTUBE.

Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Keith Weakley, Vice Chairman, District 3	James Holsinger, District 4
Gary Huffman, District 4	William Turner, Secretary, District 5

Members Absent

None

Staff Present

Tracy Clatterbuck	Kelly Butler
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Call to Order

Chairman Burner called the April 13, 2021 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*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones.

Adoption of Agenda

Mr. Turner made a motion to accept the agenda as presented. The motion was seconded by Mr. Huffman. The motion passed unanimously 8-0.

Public Hearing

A. Michael W. Painter – Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

Michael W. Painter has filed an application for a SUP (special use permit) to operate a banquet/event facility located south on River Road, 0.25 miles from US Hwy BSN 340 W, on the right, Stanley, VA. The parcel is identified by tax map number 70-A-117 (*containing 203.78 acres*). The property is currently zoned as Agriculture (A-1). The property is improved with an existing barn and other numerous accessory structures. The applicant is proposing to use the existing 48x96 barn and designated parking area as part of the banquet/event facility.

Pursuant to § 125-10 D. (16) of the Page County Zoning Ordinance, banquet facilities and event facilities require a SUP.

Virginia Department of Transportation (VDOT) – Per Jeff Nicely with VDOT, "VDOT has no issues with the proposed use once a new entrance is constructed. The existing entrance at this site does not meet the minimum sight distance standards. VDOT has located a location for a new moderate volume commercial entrance at the property approximately 570' south of Rt. 340. A VDOT Land Use Permit will be required to construct the new entrance. VDOT will work with the owners engineer to approve the design of the new entrance. At the time of events, no parking or signage is allowed on the VDOT Right of Way." Staff recommends that we make the requirements for VDOT as a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

Health Department- Per Herbert Cormier with the Health Department, "This Health Department has reviewed the request for comments for a Special Use Permit to operate a proposed Event Center for hosting wedding venues & river weddings.... This Health Department has no objections to the issuance of the Special Use Permit. Based upon information provide by an OSE (On-site Soil Evaluator), the existing well is registered with the Office of Drinking Water (ODW). Prior to issuance of an Operation Permit for the sewage disposal system, additional supporting documentation must be provided to this Health Department demonstrating how the sewage disposal system is capable of serving the sewage disposal needs to the Event Center...." The applicant is currently working with Gerald Dovel (On-site Soil Evaluator) along with the local Health Department on obtaining the required health permits. Staff recommends that we make approval of the well and septic permits as a condition of the SUP, and give the applicant six months to complete the work (from the date of approval of the SUP).

Building Official- Per James Campbell, Page County Building Official, the applicant was required to obtain a structural inspection and load rating report on the existing barn by a licensed engineer. He contracted with Racey Engineering to complete the study. A copy of the report has been provided in your packet. Per Racey Engineering, "the building was found to be suitable to support 200-person occupancy". This report has been reviewed and accepted by Mr. Campbell. Building permits will be required for any code related items.

Adjoining and adjacent property owners were notified as required by the Code of Virginia. Three comments were received from adjoining property owners. None had objections.

The project site falls within the "Agricultural Protection Tier" and into the designation of "Farmland of Statewide Importance". Regarding the Page County Comprehensive Plan, according to Volume 1, Section 2.2 of the Comp Plan, "*the purpose of the Agricultural Protection Tier is to protect agricultural uses and preserve the rural lifestyle and sense of community that has long defined Page County. This tier is intended primarily for very low-density residential development, large lot rural development and agricultural uses. Non-residential uses would serve the needs of residents in the surrounding rural areas and generally be limited to agriculture-related businesses.*" Chapter 3, Goal 3, Section 3.22 states, "*Encourage and support the development and retention of agriculturally-related businesses as a valued element of the Page County economy.*" Chapter 3, Goal 6, Section 6.2 states, "*Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County.*" With consideration to the designation, by TLC, who named Luray/Page County the #2 of 10 beautiful destination wedding locales, Page County has done well in the industry and continues to build momentum and attract tourists.

Approval of this application could result in new revenue to the towns and county, to include but not limited to: license tax, retail sales, meals and lodging, and increased real estate.

Staff requested that the Page County Planning Commission recommend approval of Michael Painter's special use permit request to operate a banquet/event facility with the attached conditions on the above-described property.

Chairman Burner opened the public comment portion of the public hearing.

Michael Painter- Mr. Painter clarified that the part of the property being used would only be about 10-12 acres located near the barn.

With no other speakers signed up for comment, Chairman Burner closed the public comment portion of the public hearing.

Chairman Burner addressed item #4 on the conditions "...4. THIS SPECIAL USE PERMIT IS FOR

USE OF THE PORTION OF THE PROPERTY THAT IS ALONG THE RIVER." Mr. Holsinger stated that we should be careful to be neither prohibitive nor too permissive in the wording surrounding this condition. Mrs. Grech added that we should be more precise in the language, rather than saying 10-12 acres, say 12 acres that is along the river and around the barn. Ms. Clatterbuck cautioned the commission to not be so prohibitive in the wording that would trigger the applicant to have to apply for another SUP for minor changes. Mr. Weakley suggested that his preference would be to indicate the SUP be for the part of the property located between River Road and the Shenandoah River.

Chairman Burner requested a motion to recommend approval of the special use permit request with the change to condition #4 to state "...4. THIS SPECIAL USE PERMIT IS FOR THE USE OF THE PORTION OF THE PROPERTY BETWEEN RIVER RD AND THE SHENANDOAH RIVER." Mr. Holsinger made a motion. The motion was seconded by Mr. Weakley. The motion passed unanimously 8-0.

B. David Nealis – Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

David Nealis has filed an application for a SUP to operate a home occupation for a detailing shop in an existing accessory structure located at 161 Brady Road, Stanley, VA. The parcel is identified by tax map number 72-A-26, contains 3.384 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling and numerous accessory buildings. This SUP would allow the applicant to operate a detailing shop that would include the cleaning of vehicles, audio upgrades, and window tint services from the primary residence. The proposed business would be conducted out of an existing 23x39 garage on the property. Pursuant to § 125-15 B.(1)(e) of the Page County Zoning Ordinance, home occupations in an accessory building require a special use permit.

Virginia Department of Transportation (VDOT) -- Per Jeff Nicely with VDOT, "proposed use will have no impact to the VDOT ROW."

Health Department- Per Herbert Cormier with the Health Department, "...This Health Department has no objections to the operation of the proposed car detailing business on this property..."

Building Official- Per James Campbell, Page County Building Official, "I have no issue with existing garage being used for business."

Adjoining and adjacent property owners were notified as required by the Code of Virginia. No comments were received in response to the notices.

Chapter 3, Goal 6, Section 6.2 of the Page County Comprehensive Plan states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Staff recommended that the Page County Planning Commission recommend approval of David Nealis' special use permit request to operate a home occupation for a detailing shop with the attached conditions on the above-described property.

No speakers were signed up for the public comment portion of the public hearing. No discussion was had in regards to the request. Chairman Burner requested a motion to recommend approval of the special use

permit request. Mr. Turner made a motion. Motion was seconded by Mr. Middleton. The motion passed unanimously 8-0.

Citizen Comments on Agenda Items

None

New Business

A. Annita Foltz – Special Use Permit Application Introduction

Ms. Clatterbuck presented the following staff report:

Annita Foltz has filed an application for a SUP to operate a dog breeding business located at 522 Riverbend Road, Stanley, VA. The parcel is identified by tax map number 69-A-106, contains .606 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling, detached garage, and two dog kennels (8x10 & 10x12). The applicant also owns tax map number 69-A-106A, containing .075 acres, also zoned as Agriculture (A-1) which adjoins the above listed parcel. Pursuant to § 125-4 of the Page County Zoning Ordinance, Pet Grooming, Boarding and Breeding, is defined as: "A commercial facility where a pet animal may be cleaned, styled or have its appearance maintained, that cares for or houses pet animals in the absence of the owner, or that engages in the vocation of mating carefully selected specimens of the same breed to reproduce specific, consistently replicable qualities and characteristics." Under § 125-10.D(13) of the Page County Zoning Ordinance, Veterinarian clinics, pet grooming, boarding and breeding of animals is only permitted by special use permit.

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, "this proposed use should not have any adverse effect to the VDOT right of way."

Health Department- Per Herbert Cormier with the Health Department, "... This Health Department has no objections to the operation of a proposed dog breeding operation...."

Building Official- Per James Campbell, Page County Building Official, "no objection."

This property falls within the "Agricultural Protection Tier" and into the designation of "Prime Farmland". Chapter 3, Goal 6, Section 6.2 of the comprehensive plan states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Staff recommended that the Page County Planning Commission hold a public hearing on this special use permit application at the May 11, 2021 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

There was no discussion had regarding this special use permit request introduction. Chairman Burner requested a motion to hold a public hearing on this special use permit application at the May 11, 2021 Regular Meeting. Mr. Holsinger made a motion. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

B. Approval of Minutes – March 23, 2021

Chairman Burner stated if there was no discussion or changes requested to the minutes, he requested a motion to approve the March 23, 2021 minutes. Mr. Turner made a motion to approve the minutes. Mr. Huffman seconded the motion. The motion passed unanimously 8-0.

Unfinished Business

A. Suneel & Renu Kapur – Rezoning Requests Update

Mrs. Clatterbuck stated Mr. David Reed would be updating the commission on his client's rezoning request. Mr. Reed stated that there is now a signed agreement between the Kapurs and the Egypt Bend Lot Owner's Association. This is a private agreement between the Kapurs and the EBLOA. Tax map number 30A2-A-1A, the 16.25-acre parcel, is no longer owned by the Kapurs. It has recently been sold. They are requesting that be removed from the rezoning request. The applicant and the EBLOA, in an effort to deal with their well lot and their concerns, have made an agreement that if the Kapurs subdivide their property through a Class A or Class B subdivision that the remaining lot on the west-side of Kibler Dr. will not be subdivided into more than three (3) parcels total. And any tract from that parent tract would have frontage on Kibler Dr. Additionally, any new well or septic installed on that parcel or a subdivision from it would maintain a 150-foot setback from the wellhead belonging to the EBLOA. In addition, the portion of the parcel where the residence is located between Kibler Dr. and the EBLOA well lot is going to be sold to EBLOA to expand their well lot should they need to expand or whatnot. These terms are enforceable by the EBLOA or the Kapurs and any subsequent land owners, as they are permanent restrictions. In exchange for this agreement, EBLOA is not objecting to the Kapurs rezoning request. Mr. Reed requested that tax map number 30A2-A-1A be removed from the rezoning request and that the commission move forward with the approval of the rezoning request as modified.

Mr. Reed provided further clarification to the commission about what lots are included with the rezoning request. Mr. Holsinger asked if Ms. Clatterbuck was satisfied with the agreement. Ms. Clatterbuck stated that the agreement is a positive outcome, but it didn't have any bearing on the Kapur's request. Mr. Weakley stated that now he feels that there is virtually no opposition to the request. Mrs. Grech asked what were the comments that were initially made regarding this request from adjoining property owners. Ms. Clatterbuck stated that the River View Estates Lot Owners had commented that they objected because of lack of clarity on the intent with the property. They further stated there should be no access to River View Dr or Bathhouse Ln. Mr. Reed has confirmed that fact. Another property owner had concerns about the historical preservation of the farmhouse and the land surrounding it. The rest of the concerns were related to the well lot.

Chairman Burner requested a motion to remove the rezoning request from the table. Mr. Weakley made a motion to remove the motion with all parcels originally requested as part of the rezoning request from the table. Mr. Huffman seconded the motion. The motion passed unanimously 8-0.

Chairman Burner requested a motion to amend the rezoning request to remove tax map number 30A2-A-1A from the rezoning request. Mr. Holsinger moved that the commission modify the rezoning request to remove tax map number 30A2-A-1A as it is no longer owned by the applicant. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

Chairman Burner asked if there was any further discussion on the modified rezoning request. With no further discussion, Mr. Holsinger made a motion to recommend approval of the rezoning request and pass it on to the Board of Supervisors. Mr. Weakley seconded the motion. The motion passed unanimously 8-0.

B. Follow-up/Review Draft of Zoning Ordinance

Ms. Clatterbuck stated that there is new material that has been provided by the Berkley Group. We will be meeting on Thursday April 15, 2021 at 7:00 pm to discuss the new material. The material has been cut in

half because the Board has agreed to add a meeting on to the schedule bumping everything else forward one month. Chairman Burner stated that when the entire zoning ordinance is presented to the commission, the planning commission will do their due diligence to review it for the best interest to the citizens of Page County.

Open Citizen Comment Period

Susan Corbett- Ms. Corbett expressed her support for Michael Painter's special use permit request. This citizen also pointed out that there is a very loud industrial business that makes shavings for chicken houses. They don't seem to respect regular hours of operation. Chairman Burner stated that there is a special use permit for this property. He directed her to speak with staff regarding her concerns.

Chairman's Report

None

Clerk's Report

None

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Huffman seconded the motion. The meeting was adjourned at 7:53.

Chairman, Jared Burner

Vice Chairman, Keith Weakley

MINUTES
PAGE COUNTY PLANNING COMMISSION
April 15, 2021

Members Present

Catherine Grech, District 1
Jared Burner, Chairman, District 3 (in late)
William Turner, Secretary, District 5

Steve Atkins, District 2
James Holsinger, District 4

Members Absent

Donnie Middleton, District 2
Gary Huffman, District 4

Keith Weakley, Vice Chairman, District 3

Staff Present

Tracy Clatterbuck

Kelly Butler

Call to Order

Chairman Burner called the April 15, 2021 Page County Planning Commission Special 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*. Due to the Covid-19 pandemic, in person attendance was limited to 10 people. This meeting was accessible via YouTube.

Unfinished Business

- A. Review and discussion of the draft Zoning Ordinance prepared by the Berkley Group**
The Planning Commission reviewed and discussed in length the latest draft materials provided by the Berkley Group (dated April 27, 2021); specifically, General Provisions, Administration and Enforcement, Agriculture and Forestal Overlay Districts, and Confined Animal Feeding. Staff encouraged the commissioners to voice their recommended changes and/or questions to the draft at the upcoming joint meeting with the Board of Supervisors on April 27, 2021.

Adjourn

Chairman Burner adjourned the meeting at 8:20 p.m.

Jared Burner, Chairman

Keith Weakley, Vice Chairman

MINUTES
PAGE COUNTY PLANNING COMMISSION
April 22, 2021

DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE IS LIMITED TO 10 PEOPLE. THIS MEETING WAS ACCESSIBLE VIA YOUTUBE.

Members Present

Catherine Grech, District 1	Steve Atkins, District 2
Jared Burner, Chairman, District 3 (in late)	Keith Weakley, Vice Chairman, District 3
James Holsinger, District 4	Gary Huffman, District 4

Members Absent

Donnie Middleton, District 2	William Turner, Secretary, District 5
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Staff Present

Tracy Clatterbuck	Kelly Butler
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Call to Order

Vice Chairman Weakley called the April 22, 2021 Page County Planning Commission Special 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*. Vice Chairman Weakley reminded all commissioners and speakers to turn on and/or speak into the microphone so that all may hear.

Adoption of Agenda

Vice Chairman asked if there were any changes or amendments to the agenda. Mrs. Grech made a motion to accept the agenda as presented. The motion was seconded by Mr. Huffman. The motion passed unanimously 6-0.

Unfinished Business

- A. **Review and discussion of the draft Zoning Ordinance prepared by the Berkley Group**
Floodplain administrator, Kelly Butler, gave her overview of the proposed ordinance prepared by the Berkley Group.
- Any changes to the floodplain ordinance must be approved by DCR/FEMA before adoption or risk losing NFIP eligibility per 44 CFR 59.24(a).
 - Berkley Group, as well as Tracy and I, encourage that you consider the floodplain ordinance to become a stand-alone ordinance. Floodplain development does not always coincide with zoning. The regulations that govern floodplain development are independent and can sometimes have conflicting definitions than that of the zoning ordinance.
 - The proposed ordinance that was prepared by the Berkley Group is from a model ordinance that was released in 2017. There is a newer model ordinance that was released by FEMA in August 2019. This model ordinance is coordinated with – written as a companion to – the flood provisions of the 2015 and later editions of the USBC. The 2015 USBC was adopted in 2018.
 - Our existing ordinance and the proposed ordinance give a very limited description of the Flood Districts and their uses. The newest model ordinance gives a better detailed description of the flood districts using current terminology. FEMA suggests that communities with Flood Insurance Rate Maps (FIRMs) that show only Flood Zones that start with "A" should check with NFIP state coordinators or FEMA Regional offices for assistance to remove the coastal provisions.
 - The newest model ordinance provides an expanded section on duties and powers of the Floodplain Administrator. It also includes new sections on permits, site plans and construction documents,

inspections, violations, site improvement, recreational vehicles, tanks, manufactured homes, other development and building work, temporary structures and storage, and utility and miscellaneous structures. It provides some additional and updated definitions.

- I would also ask you to consider incorporating a recent policy released by FEMA regarding agricultural structures and accessory structures. As well as a section regarding small projects that have low-to-no impact on the floodplain.
- Please keep in mind that we must meet minimum floodplain management regulations meeting the minimum requirements set forth by 44 CFR §§ 60.3, 60.4, and/or 60.5 to continue our community's eligibility for the sale of flood insurance. If we do not, we risk probation and suspension from the program. I assure you, other than our 1-foot freeboard requirement, the building official and myself enforce the minimum requirements.
- I am willing to take the newest model code and, with the help of the Berkley Group, create a red-line version and a proposed version of this ordinance.
- After the ordinance gets to a point where you are satisfied, I will send it to DCR/FEMA for their review. If they require any changes, I can bring that back to the planning commission. Otherwise, I will send to the Board of Supervisors for review and hopefully approval.

Vice Chairman Weakley clarified that Ms. Butler would be proposing the state minimum requirements apart from the one-foot freeboard requirement. Ms. Butler agreed. Commissioners agreed that emphasizing that we are doing the minimum required by state code will be important when taking this to public hearing. Ms. Butler recommends that the commission not look at the floodplain ordinance that was proposed by the Berkley Group. Mr. Weakley agreed that the commission would wait on a new proposed ordinance from Ms. Butler.

The commission reviewed the section on Nonconforming Lots, Uses, Structures, and Buildings. Ms. Clatterbuck stated what is proposed is completely different than what is currently in our ordinance. The community relies on this nonconforming section a lot. Currently, for nonconforming structures, you can rebuild within 24 months of demolition of the structure and maintain the nonconforming status. Ms. Clatterbuck stated it is imperative that the commission pay close attention to the language used in this section. She further stated that taking away a nonconforming status from property owners would be a burden to our citizens. Mr. Burner stated what is proposed is verbatim from state code. He stated that if we change language, we need to be careful to not go against state code. Mr. Holsinger suggested that the Berkley Group will continue to offer what they have because it is state code. He stated that the commission needs to think independently in their recommendation. Mrs. Grech stated that we only have a small margin in which we can think independently because a large part of what is proposed is state code.

The commission moved onto the definitions section. Ms. Clatterbuck stated that the commissioners should compare the definitions section to the previous material that was provided by the Berkley Group. Chairman Burner stated he feels that intensive ag and anything to do with that should be taken out. He also stated that the special use permit requirement for animal feeding operations needs to be removed as that is not allowed by state code. Mr. Weakley stated, as consultants, the Berkley Group gives recommendations. The county can choose to accept the recommendations of the Berkley Group or not accept it.

Chairman Burner stated that Darla Orr with the Berkley Group is supposed to review overlay districts. He discussed what overlay districts are and how they are useful. Mrs. Grech stated it is imperative that the Board of Supervisors know how impactful this ordinance amendment is so that the commission can take the appropriate amount of time reviewing it. Chairman Burner reminded the commission that the subdivision portion would be coming back to the commission. Be ready with your comments and suggestions.

Adjourn

Chairman Burner adjourned the meeting at 8:20 p.m.

Jared Burner, Chairman

Keith Weakley, Vice Chairman

MINUTES
PAGE COUNTY PLANNING COMMISSION & BOARD OF SUPERVISORS
Joint Work Session
April 27, 2021

Planning Commission Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Gary Huffman, District 4	Keith Weakley, Vice Chairman, District 3
William Turner, Secretary, District 5 (arrived at 6:45 p.m.)	

Planning Commission Members Absent

James Holsinger, District 4

Staff Present

Regina Miller, Assistant County Administrator
Tracy Clatterbuck, Zoning Administrator

Board of Supervisors Present:

Morgan Phenix, Chairman At-Large
D. Keith Guzy, Jr., District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Jeff Vaughan, District 5

Call to Order

Chair Jared Burner called to order the Planning Commission, at 6:00 p.m., on Tuesday, April 27, 2021, in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835. Due to the COVID-19 pandemic, in-person attendance was not permitted; therefore, the meeting was live streamed, via YouTube.

Chairman Morgan Phenix called to order the Page County Board of Supervisors at 6:01 p.m.

The Call to Order was followed by the *Pledge of Allegiance* and a Moment of Silence.

Commissioner Weakley moved to adopt the Planning Commission agenda. Commissioner Huffman seconded and the motion carried unanimously by a vote of 6-0.

Unfinished Business

- A. Review draft of zoning ordinance provided by the Berkley Group (specifically General Provisions and Article II- Agriculture and Forestal (A-F) Overlay District, Confined Animal Feeding, Nonconformity, Floodplain Ordinance, Zoning Map Revisions, and Definitions)
Darla Orr, The Berkley Group, outlined the work session agenda as well as the revised project schedule. She reviewed the table of contents and stated that the confined animal feeding section has been removed and consolidated with use standards. Lengthy discussion then ensued regarding confined animal feeding operations. Both the Commission and Board agreed to reduce the minimum distance between a confined animal feeding operation from any residence from 600 feet to 300 feet. The distance from a neighboring

Joint Meeting of Planning Commission and Board of Supervisors
Minutes- April 27, 2021

property line was reduced from 300 feet to 150 feet. The section regarding the filing of nutrient management forms was eliminated altogether. Ms. Orr then reviewed nonconformity, the floodplain ordinance and definitions. Lastly, she highlighted the potential zoning map revisions with emphasis on expanding commercially zoned properties along Routes 211 and 340. Using the guidance provided in the Comprehensive Plan, they presented two options for consideration. After discussion, the Board indicated that discussions need to take place with each of the three towns so they are aware of what the County would like to do with the map revisions and how it might affect them and those areas that adjoin the towns.

The next joint work session is scheduled for June 22, 2021 at 6:00 p.m.

Adjourn

With no further business, Chair Burner adjourned the Planning Commission meeting at 8:11 p.m. Chairman Phenix adjourned the Board of Supervisors meeting.

Jared Burner, Chairman

Keith Weakley, Vice Chairman

MINUTES
PAGE COUNTY PLANNING COMMISSION
May 11, 2021

Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Keith Weakley, Vice Chairman, District 3	James Holsinger, District 4
Gary Huffman, District 4	

Members Absent

William Turner, Secretary, District 5

Staff Present

Tracy Clatterbuck	Kelly Butler
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Call to Order

Chairman Burner called the May 11, 2021 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*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. Due to the COVID-19 pandemic, in-person attendance was limited to 10 people. The meeting was live streamed, via YouTube.

Adoption of Agenda

Ms. Grech made a motion to accept the agenda as presented. The motion was seconded by Mr. Atkins. The motion passed unanimously 7-0.

Public Hearing

A. Annita Foltz – Special Use Permit Application

Tracy Clatterbuck presented the following staff report:

Annita Foltz has filed an application for a SUP to operate a dog breeding business located at 522 Riverbend Road, Stanley, VA. The parcel is identified by tax map number 69-A-106, contains .606 acres, and is currently zoned as Agriculture (A-1). The property is improved with a single-family dwelling, detached garage, and two dog kennels (8x10 & 10x12). The applicant also owns tax map number 69-A-106A, containing .075 acres, also zoned as Agriculture (A-1) which adjoins the above listed parcel. Pursuant to § 125-4 of the Page County Zoning Ordinance, *Pet Grooming, Boarding and Breeding*, is defined as:

"A commercial facility where a pet animal may be cleaned, styled or have its appearance maintained, that cares for or houses pet animals in the absence of the owner, or that engages in the vocation of mating carefully selected specimens of the same breed to reproduce specific, consistently replicable qualities and characteristics."

Under § 125-10.D(13) of the Page County Zoning Ordinance, *Veterinarian clinics, pet grooming, boarding and breeding of animals* is only permitted by special use permit (SUP).

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, "this proposed use should not have any adverse effect to the VDOT right of way."

Health Department- Per Herbert Cormier with the Health Department, "...This Health Department has no objections to the operation of a proposed dog breeding operation..."

Building Official- Per James Campbell, Page County Building Official, "no objection."

Adjoining and adjacent property owners were notified as required by the Code of Virginia. Any comments received will be provided at the public hearing.

This property falls within the "Agricultural Protection Tier" and into the designation of "Prime Farmland". Chapter 3, Goal 6, Section 6.2 states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Ms. Clatterback suggested that the Page County Planning Commission recommend approval to the Board of Supervisors of Annita Foltz's SUP to operate a dog breeding business with the attached conditions on the above-described property.

Ms. Clatterback reminded the commissioners that there is nothing that addresses waste in the conditions and suggested that the commissioners consider adding a condition addressing this. The Commission discussed and agreed to add a condition stating "Waste shall be properly disposed of in accordance with state and local requirements. Run-off shall be contained on the property." Vice Chairman Weakley made a motion to approve the SUP with the additional condition. Mr. Atkins seconded the motion. The motion passed unanimously 7-0.

Citizen Comments on Agenda Items

None

New Business

None

Unfinished Business

Ms. Grech asked if there were any updates from the Berkley Group regarding the zoning ordinance. Ms. Clatterback stated that she had not heard anything from them since the last joint meeting with the Board of Supervisors. She reminded the commissioners that there will be no joint meeting with the Board of Supervisors for the month of May. The next joint meeting will be in June.

Open Citizen Comment Period

None

Chairman's Report

Chairman Burner asked the commissioners if they would have any issue with him speaking as a citizen at the May 18th Board of Supervisors meeting. He stated that, if he were to speak, he would make it clear he was speaking as a tax-paying citizen and not the Chairman or member of the Planning Commission, or on behalf of anyone on the Commission. Mr. Weakley and Ms. Grech expressed their support. No other Commissioners commented or raised an issue.

Clerk's Report

Ms. Clatterback stated that the SUP Public Hearings for Michael Painter and David Nealis and the Rezoning Public Hearing for the Kapurs will be held at the May 18th Board of Supervisor's meeting beginning at 6 p.m.

Ms. Clatterback informed the commissioners that in the near future they will be reviewing a SUP request for the new tower for EMS communications (Tanners Ridge). They will also be reviewing another SUP request

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for the new WHSV tower (Big Mountain). Also, potentially 4-6 new towers for broadband that will all require SUP's. She has not received any completed SUP applications from any of them yet though.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Huffman seconded the motion. The meeting was adjourned at 7:29 p.m.

Chairman, Jared Burner

Vice Chairman, Keith Weakley

Overview

The following is a summary of the discussion during the fifth Board of Supervisors and Planning Commission Joint Worksession for the Page County Zoning & Subdivision Ordinance Update held on April 27, 2021.

1. Schedule & Key Progress

BG staff reviewed the key progress to date and the revised project schedule, which includes an additional worksession on June 22. The revised schedule will require timely receipt of feedback and comments from the Board of Supervisors and Planning Commission, including the Board's animal keeping and zoning map revision committees. The public open house is planned for July unless additional time and/or a worksession are necessary to finalize the full draft ordinance document.

2. Zoning Ordinance Table of Contents

In response to conversations with county staff and the Planning Commission chairman, BG staff recommended removing Article VIII – Confined Animal Feeding Operations (CAFOs) to incorporate those requirements into Article VI – Use Standards. The group agreed to this reorganization and to modify the Table of Contents accordingly.

3. General Provisions and Administration and Enforcement

BG staff reviewed the recommended changes to the existing ordinance's Articles 1 – Purpose and Application, VIII – Administration and Enforcement and IX - General Provisions. BG staff noted the recommended revisions reorganize these sections to group like topics in new Articles I and II, and relocate sections relative to permitting and applications to a new Article III. Article III is scheduled for review at the next worksession. The group agreed to the recommended revisions.

4. Agricultural and Forestal (A-F) Overlay Districts

BG staff reviewed the recommended changes to the existing Stonyman Agricultural and Forestal (A-F) District, which will become Article IV, Division 3 – Overlay Districts. No substantive changes were made to the existing Stonyman A-F District standards. In response to questions, BG staff confirmed that other overlay districts could be established under the authority of this article. The group agreed to the recommended revisions.

5. Confined Animal Feeding Operations (CAFOs)

BG staff reviewed the revisions which would consolidate CAFO standards into the use standards rather than having a separate article. The group agreed that the Use Matrix will be changed to permit CAFOs as a by-right use in A Districts. The group requested additional changes to remove the current ordinance requirement for filing a nutrient management plan with the county (proposed Section 2.3) and lower minimum setbacks from property lines from 300 to 150 feet and from adjacent dwellings from 600 to 300 feet in proposed Sections 2.2.(A)(1) and 2.2(A)(4). Since DEQ regulations are often greater, especially for setbacks from environmental features, the group discussed removing the specific CAFO standards entirely

and referencing the State Code standards for design. BG staff will review state code standards and make a recommendation on incorporation.

5. Nonconformities

BG staff reviewed the proposed article on nonconformities. The group agreed to the recommended revisions.

6. Floodplain Ordinance

BG staff advised that the floodplain regulations have been removed from the zoning ordinance, as requested by county staff, and are drafted as a separate Page County code chapter. Page County's Floodplain Administrator is reviewing this revised code chapter and will offer comments to BG staff. BG staff will incorporate her comments into the draft floodplain ordinance. BG staff will provide the revised draft at a subsequent worksession following receipt and review of those comments.

7. Definitions

BG staff reviewed the proposed revisions to the Definitions article. The group asked if the definitions for farm wineries, breweries and distilleries reflect State Code changes becoming effective July 1. BG staff will review those changes and revise the definitions, if needed. BG staff advised that subdivision definitions will also be incorporated into the article. The group agreed to the proposed changes to definitions.

8. Zoning Map Revisions

BG staff presented two options for zoning map revisions to address the County's direction that properties along Routes 211 and 340 be zoned commercially. BG staff's recommendations are consistent with the Future Land Use map in the Comprehensive Plan, which suggests growth occur within the Urban Service Boundaries around the towns. Option 1, a whole-parcel option, would impact 257 properties for a total of 1,106 acres, but in some areas would not provide the depth necessary for commercial development. Option 2, a split-parcel option, proposes commercial zoning for a 500-foot deep area from the corridors and would impact 443 properties for a total of 758 acres.

BG staff discussed the process to effect the zoning map revisions which includes meetings with property owners and holding public hearings, as well as important considerations such as the impact of rezoning on existing and adjacent land uses, availability of public utilities, access, and development constraints and opportunities. The group also discussed rezoning of select, easily-identifiable areas for commercial use, such as extensions of existing commercially zoned areas. The group did not decide on their preferred option. Members of the Board of Supervisors will meet with the leadership from the towns to discuss options and be prepared to make recommendations on potential zoning map revisions for consideration at the June worksession.

9. Next Steps

The next worksession is scheduled for June 22, 2021. BG staff reminded the group of the importance of submitting their comments on the sections discussed. In response to a question about comment tracking, BG staff reminded the group that comments received to date have been provided back to the group in



worksession meeting notes, which included a comment summary accompanying the Jan/Feb meeting notes. BG staff will continue to review/incorporate comments and draft the remaining ordinance sections.

