

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**March 9, 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 March 9, 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*.

**Adoption of Agenda**

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

**Public Hearing**

**A. Suneel & Renu Kapur – Rezoning Requests**

Mr. David Reed, attorney for the applicants, began explaining that the lots involved in this rezoning request are located on Kibler Drive. Three lots located on the river side of Kibler Drive and two lots on the other side. Currently, all these lots are zoned agricultural. The applicants are requesting that these lots be rezoned to residential. Then, they will consider a Class B subdivision to the two lots on Kibler Drive opposite the river. There are no proposed changes to the three lots next to the river. One of the main topics of conversation has been the Egypt Bend Lot Owners Association's (EBLOA) well lot containing approximately .25 acres and located in the middle of the applicants' property. It is accessed by right-of-way to Kibler Drive. The barn located on the southside of Kibler Drive is used as an event space/vacation rental. That use will continue. The main house is a private residence. The EBLOA has expressed concerns of not wanting their well contaminated. Currently, the applicant does not have the right to "tap into" or use the EBLOA well. The well lot is well marked and sits on a knoll and is naturally protected by a ravine that runs across the 16.25-acre lot. Right now, the lot is an agricultural "by-right" use property that could be far worse contamination to the well than residential lots. By doing a rezoning, these "by-right" uses are not on the table. The applicant wants to be a good neighbor and come up with something that works well for everyone involved. Mr. Reed concluded his presentation. Chairman Burner asked if there were any questions. No questions from the commissioners.

Tracy Clatterbuck stated that staff did receive several adjoining land owner comments. All commissioners have been provided copies of the comments and they will be submitted into the minutes. Mr. Weakley agreed that the comments did not need to be read, but requested a tally of how many comments there were with a for or against tally. Tracy Clatterbuck stated that staff received one (1) comment in support of the request and (11) adjoining lots with concerns.

Chairman Burner closed the public hearing at 7:14 pm.

Mr. Holsinger stated that there is a small pond on the property. There is a drainage way, or a ravine as described, that drains into that pond. The well is serving 350 lots. The number of homes being proposed seems very reasonable. The risk of contamination from agriculture is greater. The applicant is requesting a delay in a decision. Mr. Holsinger stated that the commission should not take action.

Mr. Weakley stated that at the 1.75 minimum lot requirement, over all the lots in question, the applicants could come up with 17 lots. Chairman Burner said if there are homes put on all these lots and they are not allowed to tap into the EBLOA well, as long as they can meet setback requirements, we cannot stop them from putting a well on their own lot.

Mr. Reed stated that he is offering to do more with the Class A/B subdivision proposal than he would have to as the zoning stands right now. Mr. Reed requested the decision possibly be delayed until April.

Mr. Burner suggested that this matter be tabled until the next meeting on March 23, 2021. Mr. Weakley made a motion to table the rezoning request. Mr. Holsinger seconded the motion. The motion passed unanimously.

#### Citizen Comments on Agenda Items

None

#### New Business

##### A. 2020 Annual Report

Ms. Clatterbuck stated that, in accordance with state code, she is required to provide an annual report to the Board of Supervisors that shows the activity of the planning department. Commissioners are encouraged to read through the report and ask any questions. Once reviewed, she is requesting that she be given permission to send to administration to be presented to the Board of Supervisors. Mr. Atkins noted on page 4 that where the report states "Rockingham County to the south..." it should state "Rockingham County to the south and west..." Ms. Grech requested that on page 6 the map be included for the zoning districts. Chairman Burner requested a motion to approve the annual report with the two changes. Mr. Weakley made a motion to approve annual report with the noted changes. Mr. Atkins seconded the motion. The motion passed unanimously.

##### B. Approval of Minutes – January 26, 2021, February 9, 2021, and February 23, 2021

Ms. Clatterbuck stated that a change would be made to the February 23 minutes that states Ms. Grech and Mr. Holsinger were in the meeting via Zoom. They were physically present at the meeting. Ms. Grech expressed concerns that the minutes for the joint meetings on January 26 and February 23 regarding the zoning ordinance don't show much of the discussion that was had. Mr. Holsinger stated that there are difficulties with joint meetings. As much as possible, we need to meet independently. Chairman Burner stated it is important for us all to work together. It is a sign of public faith when the two groups can work together. Ms. Grech reiterated that the public does not have access to what was said in that meeting because the minutes do not reflect the discussion. Chairman Burner requested a motion to accept the minutes with the one change. Mr. Holsinger made a motion to approve the January 26 and February 9 minutes as presented and the February 23 minutes as amended. Mr. Huffman seconded the motion. The motion passed 6-1, with Ms. Grech opposing.

#### Unfinished Business

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

Chairman Burner requested that Ms. Clatterbuck express any concerns she may have related to the materials. Ms. Clatterbuck stated the following:

- In her opinion only, the sliding scale is not for Page County and is a major concern from a staff point of view. The 1.75 acre, once every five years, isn't an issue currently, but rather the right-of-way requirements. We just say it has to be a 50-foot right-of-way, with no rules on how that right-of-way should be designed (gravel, etc.).
- In her opinion, comparing the proposed rural-residential to the current residential, there doesn't seem to be much of a difference. Why make a new district if it doesn't address the issues we are having with residential, specifically related to animals/farming.
- In her opinion, it is hard to review material without definitions. Mr. Weakley stated that the definitions should have been developed first. He also stated that the changes that have been requested by the commission/board should be made and then brought back to us. Not just noted at the podium and never seen. Ms. Grech stated we should be able to take as long as necessary to review the material.
- In her opinion, there are a lot of little things throughout the document that don't talk to each other.

Mr. Holsinger discussed his concerns about the sliding scale and how it would lead to protecting it from divisions immediately because they are limited. This would then devalue the property if sold. If we create a different district, it needs to be different and not impede the right-to-farm. Ms. Grech stated that the proposed draft seemed better suited to suburban communities. It didn't seem that a lot of the county's rural nature was being considered. Chairman Burner wants to see an example of intensive agriculture. Mr. Huffman expressed several concerns regarding the proposed sliding scale.

Ms. Clatterbuck requested that the commission instruct her as to where they want to go from here. Mr. Weakley stated his comment is that they get a corrected version with the definitions.

Ms. Grech brought up the proposed idea that adjacent landowners could grant variances to setbacks. She believes this should be left to the Board of Zoning Appeals (BZA). Ms. Clatterbuck stated that currently variances are only granted by the BZA. Mr. Holsinger stated that we should send the recommendation to the Berkley Group that the process remain as it currently is. And adjustments should be made before the next meeting. Mr. Holsinger made a motion that the variance process for altering setbacks remain as is currently in the ordinance. Mr. Atkins seconded the motion. The motion passed unanimously. Ms. Grech has additional proposed changes that she will submit to Ms. Clatterbuck.

Mr. Holsinger stated that he feels this is how the commission should handle certain issues with the materials presented. Rather than for a sub-committee to be formed, these items should be put on the agenda. Chairman Burner requested that all commissioners submit their comments to Tracy so that they can be consolidated and taken to the Berkley Group. Tracy is requesting comments by Wednesday March 17<sup>th</sup>. Chairman Burner stated that he was willing to submit the comments to the Berkley Group himself.

#### Open Citizen Comment Period

None

#### Chairman's Report

Chairman Burner reminded all commissioners that if they have any questions or concerns to reach out to him.

#### Clerk's Report

Ms. Clatterbuck stated that she had a new special use permit application that is pending that may be presented at the next meeting.

Adjourn

Chairman Burner adjourned the meeting at 8:50 p.m.

  
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Chairman, Jared Burner

  
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Vice Chairman, Keith Weakley