

MINUTES
PAGE COUNTY PLANNING COMMISSION
May 9, 2023

Members Present

Catherine Grech, Secretary, District 1
Jared Burner, Chairman, District 3

Chris Adams, District 2
Isaac Smelser, District 4

Members Absent

William Turner, Vice Chairman, District 5

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 7:09 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. Smelser made a motion to adopt the agenda as presented. Mr. Adams seconded the motion. The motion passed unanimously (4-0).

Citizen Comments on Agenda Items

None

New Business

A. Adoption of Minutes- January 31, 2023, February 22, 2023, February 28, 2023, March 7, 2023, March 14, 2023, & March 28, 2023

Chairman Burner allowed some time for Commissioners to review the minutes included in the agenda packet. Ms. Clatterbuck noted that the minutes have been tabled the last couple of times because she made changes to the use matrix, so she removed references to changes to the use matrix. Ms. Grech stated that with those changes in mind, since the minutes no longer incorporate specific changes to the use matrix, she was happy to make a motion to approve the minutes. Mr. Smelser seconded the motion. The motion passed unanimously (4-0).

B. Zoning Ordinance Amendment- Light Quarry Operation

Mr. Hahn referenced a two-page document that is a very basic proposal for light quarry operation use. This is just to help start discussion for the Planning Commission. He noted that he pulled from Rockingham County's quarry use language as well as our own sawmill operation supplemental regulations. He also referenced some alternative language created using AI software that the Planning Commission might review later.

Ms. Grech asked whether we would be reviewing this tonight. Chairman Burner asked Commissioners if they would like to take time to review this at home. Ms. Grech answered that she would prefer to have time to review the documents. Chairman Burner agreed, stating

that he hoped to finish reviewing the use matrix tonight. He instructed Commissioners to review the documents in preparation for the next meeting.

Unfinished Business

A. Margaret Osborne- Special Use Permit (review draft conditions)

Chairman Burner referenced draft conditions in the packet. He asked the Commissioners if they had any questions about those draft conditions. Ms. Clatterbuck noted that the first condition was the only one in all caps, and she would get that corrected. She stated that most of these conditions were copied and pasted from a previous application.

Ms. Grech asked if the drafted conditions for the two special-use permit (SUP) applications in front of us tonight, which are for different uses, were by-and-large consistent with each other. Ms. Clatterbuck answered that they were. Ms. Grech stated that if these conditions were pulled from the conditions used for the last dog breeding operation that the Planning Commission considered, she does not have any comments. Chairman Burner added that this should be sufficient until we receive public input. Ms. Clatterbuck noted that due to some recent changes in the system for publishing notice, she is not certain she will be able to get an advertisement published in time. She asked that the Planning Commission consider making a motion to keep the public hearing for the May 23rd Work Session, provided necessary publications can be made, but if not, setting the public hearing for the first meeting in June. Ms. Grech made that motion. Chairman Burner asked when the first meeting was in June, and Ms. Clatterbuck stated it was June 13. Chairman Burner restated the motion. Mr. Smelser seconded the motion. Chairman Burner requested a roll call, and the motion passed unanimously (4-0).

B. Jeffery S. Dinges- Special Use Permit (review draft conditions)

Chairman Burner asked if we had received anything new from the applicant, and Ms. Clatterbuck stated that the last she had heard from the applicant, he was still waiting to hear back from his engineer. The applicant has not produced any further documentation, yet.

Ms. Grech stated that she would like to see two conditions added for this SUP application. One is one that had been included in the Stoneyman Valley Ranch application that Ms. Clatterbuck had provided a copy of. Condition number 13 states as follows: "STONEYMAN VALLEY RANCH, LLC, OR IT'S SUCCESSOR AND/OR ASSIGNS (LESSORS), SHALL ADVISE EACH LESSEE THAT THE FULL TIME FARMING OPERATION(S) ON NEIGHBORING PROPERTIES MAY EMIT EXTRANEIOUS AND OBNOXIOUS ODORS, SOUNDS, AND INCLUDE OPERATION OF FARM EQUIPMENT AND FARM VEHICLES AROUND THE VENUE AND FURTHER EACH LESSEE SHALL BE REQUIRED TO EXECUTE A WAIVER, DISCLAIMER AND RELEASE OF LIABILITY AGREEMENT RELATIVE TO ANY ADVERSE EFFECTS ANY FARMING OPERATION MAY HAVE ON THE LESSEE'S USE OF LESSOR'S PROPERTY." Ms. Grech noted that she would like to see this included, but amended to refer to the same property rather than the neighboring property. Chairman Burner stated that it should refer to neighboring and the same property, and Ms. Grech agreed. Ms. Grech stated that she would also like to see a condition that stated that the farming operations, including the poultry house, and the wedding venue operation need to be physically separated by a fence, and buffered. She stated that she understands this may already be the case, but in case the property is sold, she would like to see a condition so that these stay in place. Ms. Grech asked Ms. Clatterbuck if it is a possibility in the future for this land to be subdivided such that the poultry operation would be separated from the wedding venue. Ms. Clatterbuck stated that she believes that the property is only five acres, so it is a "grandfathered" situation. New

poultry operations require a minimum of ten acres, now. Ms. Grech stated she would still like a condition about this, just in case.

Regarding condition 5, Chairman Burner asked Ms. Clatterbuck if we had always included language regarding the fire ring, and Ms. Clatterbuck affirmed. Chairman Burner asked if the minimum eight inches was going to remain in the campground ordinance. Ms. Grech stated that she didn't think we changed that, and Mr. Hahn agreed. Ms. Grech confirmed that the campground subcommittee did not change that. Everyone agreed that this was standard.

Ms. Grech asked for confirmation that we were still waiting on engineering documents, and Ms. Clatterbuck affirmed. Chairman Burner stated that we still can't set a public hearing date without that.

C. Zoning Ordinance Amendment- Self-Storage Facilities

Ms. Clatterbuck referred to discussions she had with the County Attorney regarding the language. He just wanted to understand what the intent was. The packet included the version that he has approved. Ms. Clatterbuck asked the Planning Commission to look at the current draft and, if they approved, to have similar language regarding the public hearing as was used for the Osborne SUP public hearing. Ms. Grech asked if the County Attorney was okay with the language included in the packet, and Ms. Clatterbuck affirmed.

Chairman Burner stated that he thought we had decided that in the Ag District, we would leave some of this up to the SUP. Ms. Grech asked for a summary of what had been discussed for this. Ms. Clatterbuck stated that she brought an amendment to the Planning Commission to consider striking the sentence that would require fencing to be six feet off of the property boundaries. Through that discussion, it was asked why we were making self-storage facilities, which is a building, do landscaping and fencing. Ms. Grech completed that idea, adding that we don't require that for other uses, and Ms. Clatterbuck agreed. Ms. Grech states that she maintains that. Ms. Clatterbuck stated that currently self-storage facilities are allowed by-right in the Industrial and Commercial zones, and they allowed only by SUP in the Agricultural zone. Ms. Grech suggested that in the Agricultural zoning district, fencing and screening shall be considerations of the conditions of the SUP. This is the type of thing that the campground subcommittee considered. Ms. Grech asked if it was possible for us to go back to the minutes of 2016 to see why these restrictions were put in place. To her, this seems to be not business friendly. A self-storage is no uglier or no less deserving than something else. She recalled some discussion regarding the need for security. Mr. Smelser agreed that we had discussed fencing in terms of safety, but as far as screening, he agreed he didn't see why this was necessary. Ms. Grech asked how many SUP permits we have received where there were conditions mandating a fence. Ms. Clatterbuck stated that we have not had an SUP for a self-storage facility, period. Ms. Grech reiterated that if we are not requiring fencing in Commercial or Industrial, why are we requiring it for Agricultural. Mr. Hahn answered that it may be rural character. Ms. Clatterbuck said she will look into the minutes, but she thinks there was an influx of these requests, and we did not have any supplemental regulations, and she thinks this was added to the commercial code maybe around the same time. Chairman Burner said he didn't think we would get many SUP applications when you can have them by-right in Commercial and Industrial District.

Mr. Hahn asked if it was the Planning Commission's direction to review the language and send it back to legal. Ms. Grech stated that she would like to see what the discussion was at the time this language was created. Chairman Burner stated that this was already scheduled for public hearing, so we would need a motion for the contingency that public notice was not

able to be made in time. Ms. Grech stated that there may need to be more review before the public hearing. Ms. Clatterbuck noted that there were applicants that were waiting for their certificate of occupancy. Since this ordinance currently applies to all zoning districts, she can't issue certificate of occupancy for the current applicants.

Chairman Burner stated that in the Ag District, there would be six-foot high screening, with no wiggle room. Mr. Smelser stated that this doesn't seem unreasonable. Chairman Burner stated that the purpose of the fence was security, and some people can jump a six-foot fence in one shot. He recommended leaving it up to the SUP. Ms. Grech expressed agreement, as we did for a commercial parking facility for a past application. Chairman Burner recommended language stating, "In the Agricultural District, fencing and screening shall be considerations of the special use permit." Ms. Clatterbuck argued that we could just strike "D" entirely. Mr. Grech expressed agreement, since this would obviously be part of the SUP. Mr. Adams stated that he didn't think we should get rid of language regarding shrubs. Ms. Grech summarized Ms. Clatterbuck's proposal, saying that if we strike "D" then these items would automatically revert to being something that we review in the SUP. Mr. Hahn stated that the campground subcommittee elected to specify those considerations that would be discussed in the SUP process for campgrounds, and the same might be helpful for future planning commissions reviewing these SUPs. Ms. Grech stated that the Berkley Group's proposed ordinance includes a section regarding the review of SUPs and site plans, and fencing and screening would be the same as any use. Why are we singling out self-storage facilities? Mr. Hahn stated that it would be the same reason we did it for campgrounds – because the Berkley Group's ordinance is not approved, yet. Ms. Grech suggested returning to the earlier proposal, which is to just leave it to the SUP. Chairman Burner think we should put something in there so that the Planning Commission know what to consider, and the applicant knows what they need to consider. That way they aren't caught in left field. Mr. Hahn asked Ms. Grech if she thought this language would limit the SUP considerations to that which is explicitly mentioned. Ms. Grech stated that might also use "among other considerations." Chairman Burner agreed. Mr. Hahn asked for the Chairman to repeat a final wording of this change. Chairman Burner proposed that the language be something to the effect as follows: "In the Agricultural District, fencing and screening shall be among those items considered as part of the special use permit review." Ms. Grech referenced some of the SUP considerations the campground subcommittee had been considering. She recommended adding language regarding fencing, buffering, and security/privacy/safety issues.

Chairman Burner stated that we needed a motion to establish June 13th as the backup date for the public hearing on this item. Ms. Grech made a motion to postpone the public hearing until the next available date, since we are making an amendment to the original language included in the advertising. Chairman Burner asked if she just wanted to move this to the 13th. Ms. Grech stated that she does not think there is enough time for staff to review the proposed language changes and advertise them in time for the May 23rd meeting, and Ms. Clatterbuck agreed.

Ms. Clatterbuck stated that in the SUP section of our ordinance: "In granting a special use permit, the governing body may attach any reasonable condition, including an expiration date, to such approval with the applicant's consent. Any such conditions shall be related to the design, scale, use, or operation of the proposed special use. Where warranted, for the purpose of compliance with the general standards for special uses, such conditions may exceed the specific standards for the use found elsewhere in this chapter." She asked, does this not cover what were discussing. Ms. Grech stated that it does. Ms. Clatterbuck asked why do we need to say specifically what the considerations should include. Ms. Grech summarized Mr.

Hahn's earlier statements comparing this to the campground subcommittee, stating that we are just specifying a checklist for future planning commissions, so they don't forget to discuss certain items. She asked for confirmation from Mr. Hahn, who agreed. Chairman Burner stated that because we don't have an example of an application for this, it's helpful to have a guideline for what the considerations might include. Mr. Hahn added that some conditions warrant special considerations for specific uses. Ms. Grech stated that the function of the Planning Commission is a mitigation board. We are here to mitigate conflicting uses. So buffering is something that can be critical. Shame on any Planning Commission that doesn't consider those things.

Chairman restated the motion on the floor to not have this public hearing on the 23rd and to postpone it to June 13th. Ms. Grech restated the motion and some of the reasoning behind postponing it. Mr. Adams seconded the motion. Chairman Burner asked for a rollcall. The motion passed unanimously (4-0).

D. Campground Subcommittee Report

Ms. Grech referenced the proposed campground ordinance included in the packet. She thanked Mr. Smelser and Mr. Adams for their contributions on the campground subcommittee. The subcommittee got off to a slow start because we did not initially have campground operators, Ms. Berezoski and Mr. Baldwin, whom she was very happy to have later on. She was also very happy to have Ms. Anderson for her expertise in conservation and Mr. Otto for his experience. She believes all of these contributions have led to a good ordinance. The subcommittee reviewed permits that have been previously granted or denied in the last year or so to try and learn from what we thought we had done right and what we had done wrong. We made some corrections, which you see in the redline document. Her suggestion was, as with the quarry operation proposal, for the Planning Commission to take the time to review the ordinance. She is happy to answer any questions at future meetings. She believes Mr. Smelser and Mr. Adams feel the same way. She expressed that the subcommittee spent quite a long time discussing the proposed changes, and there were many drafts.

She wanted to draw attention to some of the bigger changes. We put more requirements in the application package. We changed some standards. On Page 6, there is a sliding scale indicating the amount of open space that is required, which works hand-in-hand with density. She referenced some models on the screen that Mr. Hahn had created to check the numbers in the sliding-scale table. None of the numbers we proposed came out of thin air. We added height restrictions. There was a lot of discussion regarding recreational facilities. She referenced that Luray RV Resort recreational facility is now considered a commercial use no longer part of that campground SUP, and this is something we may need to review. We specified some SUP requirements, where we actually spelled out things that should not be forgotten to review. We beefed up the road standards based on opinions we received from emergency services. We also added a requirement for emergency services approval. They felt that was necessary, especially for campgrounds like Luray RV Resort, which may have more than 1,400 guests. Public health is critical.

There were a lot of mundane changes. There was consensus in the document that we see. Not everyone agreed on all items, and there was some compromise. She will be happy to review where compromises were made. She mentioned portable generators and golf carts, as an example. Setbacks and size of camping unit size, except for allowing a second story loft, were among items that were not changed. She discussed in the sleeping loft in greater detail. Under standards, we changed the site and density requirements. She discussed these changes

in greater detail, stating that these changes were consistent with what other counties are doing and verified by models that Mr. Hahn created.

She stated that the subcommittee was an enjoyable experience. She noted that Mr. Jemelity was in the audience, and she noted that he had some helpful comments during the process, as well. Other members of the public had some helpful ideas, including language regarding drones.

Chairman Burner suggested that the Planning Commission members take time to review the ordinance individually, and we will come back at the next meeting to discuss.

E. Review and discuss updates to the Page County Zoning Ordinance (Chapter 125)

The commission discussed and reviewed the proposed use matrix provided by the Berkley Group dated November 3, 2021. Discussion focused on those items on the last page of the use matrix comparison document that are specifically described in the current zoning ordinance but do not have an associated use in Berkley Group's version. This included items such as airstrips, motorsports facilities, etc. There was lengthy discussion on shopping centers and PUDs, among other things.

After discussion completed, Mr. Hahn stated that we have reached the point where it may be helpful to update the use matrix comparison document to reflect all the proposed changes that have been discussed over the past several meetings. He stated that this would not be treated as a final document with approved changes, but just an updated draft with notes showing some of the things we have discussed. Chairman Burner asked if this would be possible to have for the June 13th meeting, and Mr. Hahn affirmed.

Open Citizen Comment Period

None

Chairman's Report

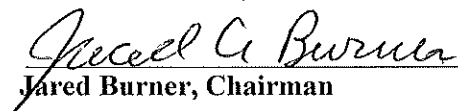
None

Clerk's Report

Ms. Clatterbuck mentioned that Mr. Helm will be in attendance along with the attorney and civil engineer representing Crown Castle at the May 23rd meeting to address the tower situation at Yogi's campground. They will submit a waiver request to the Planning Commission. In preparation for that, she would like to provide a copy of the waiver packet to the Planning Commission members before they leave for the night. Ms. Grech asked if granting or refusing waivers is the only act of the Planning Commission where they have the final word. Ms. Clatterbuck stated that this was correct, based on how the code is currently written. She believes this is a flaw in the code. Ms. Grech states that it should be up to Ms. Clatterbuck, and Ms. Clatterbuck stated that it should be the BZA's decision, if not the Board of Supervisors. Chairman Burner stated that regardless, we'll need to make a decision on it.

Adjourn

Ms. Grech made a motion to adjourn. The motion was seconded by Mr. Smelser. The motion passed unanimously. The meeting was adjourned at 8:56 p.m.



Jared Burner, Chairman