

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**May 10, 2022**

**Members Present**

Catherine Grech, Secretary, District 1  
Tom Mitchell, District 2

Jared Burner, Chairman, District 3

**Members Absent**

Isaac Smelser, District 4

William Turner, Vice Chairman, District 5

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Jared Burner called the May 10, 2022 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. The meeting was available via zoom. Ms. Clatterbuck conducted an attendance roll call.

**Adoption of Agenda**

Ms. Grech made a motion to approve the agenda as presented. Ms. Mitchell seconded the motion. The motion passed unanimously 3-0.

**Citizen Comments on Agenda Items**

Ken Jemelity- Mr. Jemelity stated he had three words for the solar ordinance- small, tasteful, and sparse. That would serve this county well compared to large scale. He questioned why the solar ordinance was stalled with legal. Regarding the glamping, he reviewed the pending special use permit application. He questioned the parking in regards to the guests carrying their stuff to their campsite. He questioned if the proposed campground would affect water supply in the surrounding area.

Cathy Herbert- Ms. Herbert stated she felt signs were important for visitors but should be regulated. She stated she was impressed how the work flows from the commission to the board except for the solar ordinance. She expected to see the solar ordinance ad in the newspaper for the public hearing that the commission had scheduled for May 10, 2022, but could not find it in the paper. She then reached out to Amity Moler, County Administrator, for comment as to why it was not. She proceeded to read the response from Mrs. Moler. Ms. Herbert expressed her frustration with the process.

Chris Anderson- Ms. Anderson stated the importance of regulating signs in the county. She also stated she was hoping to see the public hearing for the solar ordinance on the agenda tonight but didn't. She stated she felt it was a good ordinance and she looked forward to having the public hearing on that draft.

Beth Snider- Ms. Snider stated she felt signs should be limited to the property owners. Small uniform signs like the green ones are okay but we don't want to see signs along Rt. 340 every ten feet. Regarding the campground, it seemed more like a tiny home community. She also questioned the parking area and the concerns related to the guests carrying their belongings to their camping unit. She also thanked the commission for their hard work on the solar ordinance. She is concerned about Mrs. Moler's comments in the email read by Ms. Herbert. If the meetings were on YouTube like they used to be, she could have gone back and looked at them rather than make accusations that the full commission did not discuss the changes in the last two meetings. She questioned why legal was stalling this process.

### **Public Hearing**

None

### **New Business**

#### **A. Sign Ordinance Update Discussion**

Ms. Clatterbuck explained the following items which were included in the agenda packet: current regulations in the Zoning Ordinance related to signs, The Berkley Groups (BG) proposed regulations regarding signs, and the draft sign amendments that the commission recommended to the BOS at the September 10, 2019 commission public hearing that was worked on for almost two years. She explained that the draft amendments that were prepared by the commission, were presented to the BOS and a public hearing at the board level was scheduled for November 2019; however, that is when the county choose to hire a consultant to do a full review of the ordinances and the board never had the public hearing on the signs regulations amendments.

Ms. Clatterbuck explained that Mr. J.D. Cave and Mr. Robert Janney had presented a request recently to the board asking to be able to put up an off-premise sign on Rt. 340 advertising the Page County Tech Center. Based on that request, the board has directed the commission to take a look at the sign ordinance to possibly allow for this along with the possibility of businesses to put up off-premise signs as well.

Ms. Mitchell questioned why it was being updated before in 2019 and Ms. Clatterbuck explained that some language in our current sign regulations violate the freedom of speech which was a ruling in the Supreme Court. Mr. Mitchell stated obviously that needed to be addressed then along with view shed, etc.

Ms. Grech stated that in reviewing the BG draft regarding proposed sign regulations, they did not take into consideration the draft that the commission had recommended to the board in 2019. Ms. Grech stated that what Mr. Cave and Mr. Janney had requested was a directional sign and then later they would do a monument sign; however, both of those are off-premise signs because they are not going on the property where the Tech Center is located. She further noted that the BG did not even use the definition of directional sign in their draft. She stated she thought the format they needed to go with was that of the BG, it's just a shame they didn't take the commissions draft into account and she felt that's what they needed to do now.

Chairman Burner stated regulating off-premise signs was an issue in the past. He also noted that the directional signs for the Tech Center were already there as he passed by them every

day. He doesn't understand why they are asking for a directional sign when it is already there. The fact that this would be an off-premise sign is really the issue.

Ms. Grech presented some photos of off-premise signs in other counties stating it was her opinion we did not want to look like some of these places with signs everywhere. She urged the commission to carefully consider regulations. Chairman Burner stated he felt there should be a compromise on off-premise signs. He mentioned the possibility of allowing them by special use permit. Mr. Mitchell stated he agreed that could be an option.

Ms. Grech and Chairman Burner agreed that they preferred the format of the BG's draft sign regulations. Ms. Clatterbuck asked if it would be beneficial to have one document that incorporated the commissions recommended changes from 2019 into the BG's draft, and the commissioners stated that would be very helpful. Ms. Clatterbuck stated she would have that draft prepared by the next meeting.

Ms. Clatterbuck also provided the commission with the draft language proposed by Mr. Cave and Mr. Janney that was presented to the board. Ms. Grech stated she would like to have time to review that as well.

### **Unfinished Business**

#### **A. Shenandoah Escapers- Special Use Permit Application**

Ms. Clatterbuck explained that the applicant was available via zoom. Mr. Nick Labadie presented the amendments to his application based on feedback received at prior meetings by the commissioners. The amendments were provided as part of the agenda packet.

Ms. Grech questioned the parking area and the guests being required to walk to their campsite vs driving on the road/trail to their campsite. Mr. Labadie stated they were focused on couple's vs families with kids. They would provide means to get their belongings to their campsite; however, most of the essentials will be provided at the campsite such as linens, kitchen needs, etc.

Chairman Burner asked what kind of timeframe he was looking at to replace the barb wire fencing. Mr. Labadie stated they did not have a timeline as of right now. Plans are in the works along with engineering on the structures. Chairman Burner stated they would want to make fencing a condition of the permit. He suggested the applicant think about a requested timeline that they could have the fencing replaced.

Ms. Grech questioned the principal residence on the site. She wondered if the residence would be a part of the campground or excluded in the permit and if it were excluded should they say that as a condition of the permit. Ms. Clatterbuck pointed out that the existing single family dwelling was a by-right use in the agriculture zoning district. She hesitated even mentioning the house as part of the permit since it was a by-right use. Ms. Grech stated she felt it was two different problems. It is a by-right use of the owner of the property but this is not the owner of the property. The house is going to be leased on a long term basis whereas the cabins are going to be leased on a short term basis. There are two different legal concepts of rentals which she didn't think they should mix up. Ms. Clatterbuck explained that there are no regulations for long term rentals. The only use zoning currently regulates if the short term rentals. Chairman Burner followed up by stating that the campground ordinance limited the time in which someone could stay in a camping unit. Ms. Clatterbuck stated she agreed;

however, that was only for the camping unit and not the single family dwelling. The single family dwelling is not a camping unit by definition. Ms. Labadie stated the existing house would only be rented out to the caretaker of the property. Ms. Clatterbuck urged the commission not to limit the use of the single family dwelling in the special use permit because we should not be restricting by-right uses via conditions. They may want to turn the single family dwelling into a short term rental down the road and that is a by-right use in that zone. Ms. Grech suggested they look at mentioning it in the conditions with no restrictions related to the single family dwelling. She stated that may be a question for legal when it gets to the board.

Ms. Grech recapped the following items to address in the conditions: the fencing, onsite management, parking and traffic limitations, and structures as proposed in the documents and color palettes as well. Mr. Labadie stated he was happy with all the conditions mentioned. Chairman Burner stated he would be okay with saying that the barb wire fencing would need to be removed prior to issuance of the building permit for the camping units, understanding the cost associated with replacing the fencing within the campground area.

Ms. Clatterbuck requested the commissioners consider scheduling the public hearing on this application. Chairman Burner stated he would like to have one more meeting to review the draft conditions discussed. Ms. Grech made a motion to schedule the public hearing for this special use permit application on June 14, 2022. Motion was seconded by Mr. Mitchell. The motion passed unanimously 3-0.

**B. Review draft of Zoning and Subdivision Ordinance provided by The Berkley Group**

Chairman Burner stated he wanted to focus on the zoning districts in trying to narrow them down. Ms. Grech stated at the last meeting they left off requesting that the commissioners review Article 4 of the Berkley Group's (BG) draft. She stated with having several commissioners absent, it may be best to hold off discussion until we have all members present.

Mr. Mitchell stated he did review the material as directed and thought it was well written. He questioned what they were wanting to change based on prior discussions of the commission.

Chairman Burner stated initially he felt we only needed one residential zoning district in the county but after listening to Mr. Turner at the last meeting, up in Shenandoah it seems to be more of a higher concentration of residential running side of the county limits, so maybe we should have a residential zoning district for higher density to account for growth in that area.

Mr. Mitchell asked if we would be locating properties on the zoning map and rezoning them. Chairman Burner replied initially they would only be creating the zoning text. How we would do zoning map changes in conjunction with this hasn't been figured out yet. Ms. Clatterbuck stated it would have to be a separate process from the ordinance update for many reasons, staffing being number one.

Chairman Burner stated as far as the residential zoning districts, he is okay with just residential and then having an R-1 district. He is not sure if the rural residential needs to be a separate district now since the animals and gardening amendments have been made to the current residential district. That is kind of one of the main reasons that district was proposed by the BG.

Ms. Grech read the intent/description of the rural residential district. She stated it may be best to keep it on the shelf as a goal that we would like to see future subdivisions built around based on the intent of the district. She stated they would need to look at the use matrix for residential, rural residential, and agriculture.

Chairman Burner stated in looking at our zoning map now, there already seems to be a lot of small A-1 lots that essentially could be the same concept of what rural residential is. He felt they resembled too much between the small A-1 and the rural residential. He is not sure that having a separate zoning district helps us since we could just use concepts to go from residential and agriculture districts. He stated he was okay with leaving rural residential in there now just to progress it down the road but they would carefully need to review the use matrix.

Chairman Burner moved to the agriculture districts. They discussed adding a prime agriculture zoning district. They will need to come up with the intent/description. Chairman Burner agreed to work on that. He stated if the board didn't want to establish a prime agriculture zone, they still have the option of the agriculture-forestal district overlays. Mr. Mitchell asked as a farmer, what would be the benefit to having a prime agriculture zone and Chairman Burner stated through setbacks. You would have reduced setbacks in a prime agriculture zone vs the general agriculture. For example, poultry houses. We could leave the general agriculture setbacks at 300 feet but in the prime agriculture it could be 150 feet. Your neighbors have the same mindset that they are all agriculture related meaning it's not their primary goal to put as many houses on their property. Reduced setbacks could be an incentive.

Chairman Burner stated the right to farm should be clearly mentioned in the A-1 and prime agriculture intent/description.

There was discussion amongst the commission regarding having two industrial and two commercial zoning districts. Staff urged the commissioners to engage the Economic Development Department in this conversation before making any decisions related to the commercial and industrial districts and the use matrix. The commissioners requested Josh Hahn (GIS Department) provide a current map of industrial zoned properties in the county.

Chairman Burner stated he would like to tackle the subdivision of land last. Use matrix is where we go next now that we have a consensus with the zoning districts. Ms. Grech stated the definitions would be very important when reviewing the use matrix.

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

Paul Otto- Mr. Otto suggested they add a condition for the campground special use permit that says the existing dwelling would be designated as housing facility for the onsite management. Regarding the sign ordinance, one easy way out of this predicament handed down by the board related to off-premise signs, is to only allow them for government or educational facilities. He suggested looking at the state of Maine's (Morgan County) sign ordinance as they had tasteful signs when he previously visited. Regarding the housing clustering, if you allow it you have to keep them within an efficient distance of county provided services. Lastly, he is very concerned with the email from Mrs. Moler that Ms. Herbert read.

Beth Snider- Ms. Snider she agreed with Mr. Otto's concern.

### Chairman's Report

Mr. Mitchell stated he would like to respond to Ms. Moler's email that Ms. Herbert read out loud. He noted there was more than one person that worked on the solar ordinance. He had worked many hours on it along with his fellow commissioners. It is beyond upsetting that she would say only one person did it. It diminishes everything they've done.

Chairman Burner stated it was his decision to not put the solar ordinance on the agenda tonight. The reason being is that we have not heard anything from legal. We really don't know what to discuss until we hear back from Mr. Helm. Chairman Burner noted it is extremely frustrating and he is losing his patience on it very fast. Along with his Dad, he is the only full time employee. They operate 1200 acres of farmland with 600 head of cattle. They do 300-400 acres of crop every year along with about 200-300 acres of hay. They deliver over 100 steers of meat to restaurants throughout the Shenandoah Valley. We don't sit still. We work to get things done. He is never been met with a situation where he feels like they hit a roadblock every step of the way. One thing about him is he is relentless. He intends to see the solar ordinance through the Planning Commission. He is going to fight every step of the way to ensure it gets done. One thing you will learn about him is he despises gossip and words in his mouth that he did not say. For the record, they are a commission of five people. Their bylaws state in order for them to have a committee, they must have three people. By rules, three commissioners is a public meeting, which means every committee meeting would just be a regular Planning Commission meeting. Their bylaws don't allow for them to currently have committees. He did choose the route of divide and conquer. He choose the route that he was going to take a deep look at the Zoning Ordinance and he asked Ms. Grech to take a deep look at the solar ordinance. Did that mean that he asked her to do the document by herself, absolutely not! The fact that it was said they did not discuss that document is a crock. They've been talking about this document for four years. We've wasted enough time on solar and we've got other important issues that need to be taken care of. The fact that we can't have committee meetings, he choose to divide and conquer. He delegated responsibility and it was his sole decision. Did they discuss the draft at the two previous meetings, yes! It will be reflected in the minutes. Chairman Burner then asked Mr. Mitchell if at any point he was not involved in the solar ordinance conversation. Mr. Mitchell replied that he had not been on the commission very long, but he had spent more hours on this either in meetings or outside of meetings. Chairman Burner asked Ms. Grech if at any point she felt like he had silenced her to be able to discuss things in the ordinance and she replied absolutely not. She noted it was a shared achievement. Everyone participated and manifested their opinion. Chairman Burner stated the fact they got met with the need for a red-lined draft, they have never been met with that before. He gets it that they can sit down and have a conversation with the fact that the document had to be red-lined when technically that was an original document. Yes, we did get an additional document to look at. Some components were pulled from there. But to sit there and be able to red-line that document that was nearly impossible but it did get done. He understands there was a deadline that the board set. They were trying to meet that deadline but that won't happen now. That is the nature of the beast. We do what we can. The document was turned over to legal and that's on legal to take time and review it. He can't speak to how long that will take and he won't. He does remember from the last time the ordinance went to the board, everything seemed fine at the commission level and then halfway through the conversation at a board meeting, it seemed like things got switched around. His preference is that he would rather have legal make sure there is a review of it at the commission level so that they can be involved in that conversation. Chairman Burner stated he delayed the public hearing until they had a

document presented for the very reason so that the public could have a clear picture of the document that was being presented for vote. Until we get that document back, there is no timeline of when the public hearing will occur. He doesn't know what the next steps will be because he doesn't know what changes will be made. It is his intent that the public has a clear picture of the document they are going to vote on before they start making too many changes. He doesn't want to take the document that is advertised and rip it apart and make it new and still say they followed the public hearing guidelines. It is a process but we will get through it and we will get it done. If anyone ever has any questions on how he runs the commission as chairman, he assures that his phone number is plastered all over the internet. His email is in the public record. He is very easy to reach. He will get back to you and he will always give his honest opinion. He is not trying to ruffle any feathers but he is trying to get things done.

#### Clerk's Report

Ms. Clatterbuck noted she had an incomplete special use permit application that she is waiting to bring forth to the commission. She also noted the public hearing for the rezoning request for Mr. Jenkins was coming up, and the dog park special use permit has been scheduled for public hearing with the board in June.

#### Adjourn

Chairman Burner requested a motion to adjourn the meeting. Ms. Grech made a motion to adjourn. The motion was seconded by Mr. Mitchell. The meeting was adjourned at 9:20 p.m.

  
Jared Burner, Chairman

