

MINUTES
PAGE COUNTY PLANNING COMMISSION
July 11, 2023

Members Present

Catherine Grech, Secretary, District 1
Jared Burner, Chairman, District 3
William Turner, Vice Chairman, District 5

Chris Adams, District 2
Isaac Smelser, District 4

Staff Present

Josh Hahn

Kelly Butler

Call to Order

Chairman Burner called the July 11, 2023 Page County Planning Commission Regular Meeting to order in the Board of Supervisors (BOS) Room located at the Page County Government Center, 103 S Court Street, Luray, Virginia at 7:00 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. Ms. Clatterbuck conducted an attendance roll call.

Adoption of Agenda

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

Citizen Comments on Agenda Items

- 1) Tyler Austin: Mr. Austin offered his expertise on the proposed quarry ordinance, which is on the agenda. He has a lot of experience with quarry permitting in multiple counties. Ms. Grech indicated that she had a question for him. Chairman Burner asked Mr. Austin if he had time to wait until that item on the agenda, and Mr. Austin affirmed.

New Business

A. Adoption of Minutes- June 27, 2023

Chairman Burner allowed some time for Commissioners to review the minutes included in the agenda packet. Chairman Burner stated that the date in the header needed to be corrected from June 28 to June 27. Mr. Turner made a motion to approve the minutes as amended. Ms. Grech seconded the motion. The motion passed unanimously (5-0).

B. Discuss Operational Timeline

Mr. Hahn stated that he and Tracy have recently been looking over tasks that need to be completed relating to the new Zoning and Subdivision Ordinance. Conservatively, we estimate that could take us to February to complete. Further, the Board of Supervisors passed the revision of the last revision of the Comprehensive Plan in 2020. Mr. Hahn quoted from state code regarding comprehensive plans:

- “At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan.” [This is from Article 3, § 15.2-2230.]
- “The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the

comprehensive plan and in accordance with the most recent available population growth estimates and projections.” [This is from Article 3, § 15.2-2223.1.]

Mr. Hahn noted that Shenandoah County has worked for three years to conduct community engagement and rewrite its comprehensive plan. We have half that time right now to complete the comprehensive plan. He noted how much work he has seen the Planning Commission do in the last year or more, including work on the draft and various Special Use Permits (SUPs). We haven't had many SUPs recently, but we are about to have some more. Mr. Hahn stated that we need to plan out the next year. First, we need to state what our goals are, which will help staff recommend timelines. Even more than that, staff needs to understand what the Planning Commission needs with regards to additional resources. Mr. Hahn stated that the Commission does not need to go into this too deeply tonight, and he doesn't have any material to review. He is just looking for feedback on how staff can best help the Commission work efficiently, especially with the comprehensive plan coming up.

Chairman Burner stated that his gut reaction is that we need more people. We can't do it one ordinance at a time only during Planning Commission meetings and not have subcommittee meetings in between. There is no way the five Commissioners will be able to efficiently handle this and accomplish it in a timeline such that it is finished before the Comprehensive Plan. If we don't finish it before the comprehensive plan, we won't be able to get back to it until after the comprehensive plan review.

Ms. Grech stated that the subdivision of land portion will be difficult, but there is a lot of low-hanging fruit that we may be able to take care of that is not that difficult or controversial. She volunteered to be on a subcommittee to work on some of those things. She believes that it needs to be worked on in a formal way, such as in a subcommittee. Regarding the comprehensive plan, she asked if it would be too early to invite some members of the public who have expressed interest in some informal meetings to see which parts of the comprehensive plans need revision. And then staff should poll the Planning Commission, as well, as she has her own opinions on what shouldn't be touched and what needs revision. She stated that after speaking with members of the public, Economic Development, and engaged members of the public, we may find that we like the comprehensive plan and there may not be a lot that we want changed.

Mr. Hahn stated that this is a great question and something that he has been studying. There are about a thousand ways to go about a comprehensive plan revision, but they always involve a pretty aggressive community engagement plan. Community engagement should be planned out, not haphazard. He is working on some options to present to the Planning Commission and the Board of Supervisors on how to go about this. Ms. Grech recommended looking at the minutes and see which citizens have shown up and had comments. Chairman Burner stated that we need to have a diversified opinion in terms of stakeholder groups. He referenced the committee from the last revision process that had about 12 people on it. Mr. Hahn stated that he would love to have people involved who are regularly engaged in meetings, but beyond those people, not excluding those people, there are people who can't come to meetings. He provided the example of people who are economically not able to attend meetings because they are single-parent households. There are other methods of community engagement beyond these public meetings that could be helpful beyond what we normally do. He referenced ideas he has heard from leadership, including Chairman Weakley, about us going to where the community is at. The literature he is reading discusses other options, such as attending community

meetings, church gatherings, etc. to meet people in their own communities and gathering feedback. Ms. Grech expressed her support of such ideas, volunteering for that.

Mr. Hahn stated part of what he needs in order to plan out the Comprehensive Plan timeline is an idea from the Planning Commission where it intends to be in the next six months to a year on the Zoning and Subdivision Ordinance. Chairman Burner expressed his desire not to mix the two. Ms. Grech asked why not. Chairman Burner stated that we need to get something finished before we start something else. Ms. Grech agreed that we need to get going on the ordinance, but she doesn't think it will hurt to start planning out initial community engagement plans with the public. Chairman Burner stated we should focus our energy on the ordinance and finish it faster. He would like us to go after ten members of the Commission so that subcommittees can work on portions of the ordinance, like we did with the campground ordinance. Ms. Grech stated she thinks this is great, but if we get five new members, it will difficult for them to offer feedback right away on the ordinance. She asked Mr. Adams if that was his experience, and Mr. Adams said that his first subcommittee was overwhelming. She volunteered to be part of a subcommittee to polish up some of those items that she thinks can be done quickly.

There was more discussion about subcommittees. Mr. Hahn stated that we are approaching a time when the Commission may need to put the ordinance revision on hold, unless we can make some progress. In that case, it may be more appropriate to a basic update of the Comprehensive Plan. Regardless, staff needs to know if the Commission still aims to complete the ordinance revision by February. If so, staff can try and pace that out and create a general timeline for how to accomplish that goal. Ms. Grech stated for the record that she has never been supportive of having a Planning Commission of only five members. We've always wanted it at ten. It was not our choice. She has talked to several Supervisors about it, and she doesn't see anything coming. Chairman Burner offered to draft a letter to the Board requesting to be built back up to ten members. Ms. Grech expressed her approval. Mr. Turner stated that the only reason we were taken down to five members was because things were not getting done, but they don't realize how much time it takes to get this done. We can't just come in and do 20 to 30 pages at a time. Chairman Burner said it can't hurt anything to make the request and state why. Ms. Grech stated that a lot of things have changed since that decision was made. There was more discussion on how many members were required to form a subcommittee, and it was determined that with Ms. Grech and Ms. Clatterbuck, there would still need to be one more member. Chairman Burner stated he would just submit a letter to the Board and see what happens. Ms. Grech stated that these are separate, and suggested we have a subcommittee to start its work. Chairman Burner asked if anyone else could volunteer, because it wouldn't be fair to have a committee of one member and staff. Mr. Adams volunteered. Mr. Hahn asked what the portion the subcommittee would be working on, and Ms. Grech asked if there was a way it could be flexible. Chairman Burner stated that the procedural portions of the code could be looked at. Ms. Grech agreed that there was a lot of low-hanging fruit the subcommittee could look at. Chairman Burner tasked the subcommittee to look at procedural portions of the ordinance. Mr. Turner agreed.

Mr. Hahn recommended taking a vote to form the subcommittee. Mr. Adams made a motion to form a subcommittee as discussed, and Mr. Smelser seconded the motion. Chairman Burner asked for a roll call. The motion passed unanimously (5-0).

Unfinished Business

A. Review of the Campground Ordinance Draft

Mr. Hahn reminded the Commission that they had instructed staff to obtain feedback from the County Attorney and Economic Development. The packet included comments back from the County Attorney. Staff did speak with Mrs. Fox, and she is present to provide feedback to the Planning Commission, if they liked.

Chairman Burner asked Mrs. Fox if she had any comments. Mrs. Fox thanked the Planning Commission for including her in the conversation. She thinks that the draft is an improvement on the existing ordinance.

Mrs. Fox expressed concern related to the definition of transient occupancy and references to transient occupancy later in the ordinance. Ms. Grech noted that the campground subcommittee did not really discuss transient occupancy much. Any changes were recommended by legal, and some language had been changed in the zoning ordinance earlier on, and we just used that. She also noted that legal has a new comment on this draft. Mrs. Fox indicated that she might be able to help address this when we get that point in the document.

Mrs. Fox stated that we define operator as an owner or management/administration level person in operations. Later in the ordinance, we reference that an operator must be on-site 24 hours for campgrounds with five or more campsites. In her experience with campgrounds, having administrative management on site for all hours would be cumbersome for any new business. Having such a position over 24 hours for a campground with only five campsites would be a bit of hindrance. From an economic development and tourism standpoint, she would recommend changing the requirement for an onsite operator to ten campsites or more. Regarding the overnight operator being someone in a management capability, none of our preexisting facilities would meet that requirement. Ms. Grech mentioned that this suggestion came from the Board of Supervisors at the retreat. Mrs. Fox stated that she was also at the retreat, and she doesn't know that the definition for operator was defined to this level; the importance was having someone onsite can respond to calls. Ms. Grech asked what her recommendation was for times, then, because this was something the County Attorney flagged as well. Mrs. Fox stated that her experience is that 8 pm to 8 am will usually have a night watchman or entry-level security person who can address noise ordinance issues and violations. But it isn't management-level. During daylight operations, normal staff would be available. Ms. Grech asked the other members who had served on the Campground Subcommittee whether they recalled what the positions were from the current campground operators. She stated her recollection that Mr. Baldwin was onsite at all times. Mr. Smelser confirmed, adding that he doesn't recall that they discussed this topic in great detail. Ms. Grech stated that the subcommittee said somebody needed to be onsite, but we didn't define who it was, which seems to be more of Mrs. Fox's issue. Chairman Burner noted that the definition for operator changed, as it used to just reference "designee." We may need to add some reference back for designee. Ms. Grech noted that their main problem was that some of the recent SUP applications would just have nobody there, and that's what they wanted to change. Mrs. Fox agreed. Ms. Grech stated that she thinks Mr. Hahn can work with Mrs. Fox's input and with legal, and Mr. Hahn confirmed. Ms. Grech thanked Mrs. Fox for catching this.

Mrs. Fox moved on to transient occupancy on Page 5, specifically how it limits occupancy to 30 days. Most campgrounds allow for seasonal occupancy, and people will sometimes work

Monday through Friday and then come back on the weekends, avoiding having to hook up and travel in between. We also have people who work in the park who park it at campgrounds but move it up to the park daily. She thinks that the 30-day limit would be a hindrance to new campground businesses. Ms. Grech noted that we had that discussion very intensely, and we decided that we were going to define occupancy by the people, not the vehicles, meaning people could park their RV for however long, but the people couldn't reside there for any period more than 30 days. Mrs. Fox stated that this makes more sense. Ms. Grech added it was at this point that modification for transient occupancy occurred from legal at the Board level and trickled down to us. There was more discussion regarding potential confusion on this definition and the comment from legal on Page 5. Mr. Hahn recommended that Mrs. Fox and Mr. Hahn try to address any confusion with legal, since most of this language came from legal, while preserving the intent of the Planning Commission regarding occupancy. Ms. Grech noted that legal didn't flag the definition, so Mr. Hahn can just address legal's comment on Page 5. Chairman Burner asked if a camper parks on an RV site for six months and they stay there one weekend a month, are they paying TOT. Mrs. Fox answered they are paying a rental fee for the spot; they aren't paying for the person. Chairman Burner asked if they are paying TOT on the space, and Mrs. Fox affirmed. Chairman Burner stated that this should alleviate some of the concerns. Ms. Grech noted that we were trying to be congruent with what was asked of us with regards to TOT.

Mrs. Fox moved on to outside guests not being able to use the attraction space. She stated that when she was at the hearing for the Bluewater SUP, Supervisor Louderback had asked the property owner if our locals would be able to use one-day passes at this facility. The owner answered that if this is what you want, then yes. Mr. Louderback had stated that this is what we want. Mrs. Fox noted that not allowing locals to use the site seems to be in direct conflict with what Supervisor Louderback has said. Ms. Grech stated that the subcommittee went round and round about this, and they found that the standard was four occupants per site. She noted the Campground Subcommittee had two campground owners, Ms. Berezoski and Mr. Baldwin, and neither allowed outside guests. In the end, guests of the campground are allowed, but not the general public. This was the result of compromise. Mr. Smelser confirmed. She appreciates the intent of the board member's thoughts, though.

Mrs. Fox noted that in her experience, there is a maximum daily occupancy. If all of the spots are filled, then no outside tickets are sold. However, if there are empty spots, you could allow outside guests. Ms. Grech stated that this was kind of what they were trying to say. In other words, if the campground approves you, there is no problem with that. We just didn't want it to be open to the general public without limit. Mrs. Fox stated that proposed language as it currently reads is then confusing, as it reads: "Access to recreational facilities by the general public, excluding campers and approved guests, is prohibited." Mrs. Fox stated, if she wanted to take her daughter to Bluewater, and she is not a camper or a guest of a camper, she couldn't do it. Ms. Grech said she agreed, and that was their intent. So, this would need to be modified if we disagreed with that. Many times in our reasoning, Bluewater was the model of what we didn't want to exceed. Chairman Burner stated that there was nothing in the language that prohibits a day pass to be sold. The definition of a camper is a guest of the campground. Ms. Butler indicated that she is interpreting the language the way Mrs. Fox is reading it. Mr. Austin noted from the audience that Bluewater is only allowing use to their guests. Ms. Grech stated that there was lot of discussion about this, and the compromise was to leave it to the SUP or the campground owner to decide what exceptions they want to make. Mr. Hahn added that during discussions, there was some degree of concern of having essentially a commercial recreational facility in Agriculture or Woodland Conservation and

calling it a campground. Ms. Grech agreed, adding that we did not want someone to open up a campground with ten sites, have a huge water park, call it a campground, and then open it up to the general public. She asked if Mrs. Fox understood that, and Mrs. Fox stated that she understood the intent, completely. Her concern is just knowing what was stated explicitly by a Supervisor, with a consensus among the other Supervisors. So often in our community, our residents question the value of tourism outside the TOT funds. We're constantly told that tourism is a hindrance to our residential base. She's concerned that not allowing local use of these facilities takes the benefit away from locals, and this can be perceived negatively in our community. Mr. Smelser stated that there should be an easy fix – just determine what the daily limit is, and this can't be exceeded. Ms. Grech stated that sometimes Supervisors will say things without fully understanding what their wishes will entail. Once this comes to the Board and it is explained to them, they'll probably understand that opening up to the outside guests is good in theory, it poses a lot of problems. She noted that there was strong consensus from the campground owners not to allow outside guests.

Mr. Austin asked from the audience, what if someone wanted to open up an 800-person campground but also wanted to open an 800-person facility. From a zoning perspective you'd need to have parking for the facility, and other things. Ms. Grech asked at what point then does the campground become an excuse for a recreational facility. That is why we addressed this under recreational facilities. We were okay with a couple pools; it isn't okay to have a waterpark. Chairman Burner agreed, saying that recreational facilities beyond what are listed in the proposed campground ordinance fall under § 125-22, requiring a separate SUP, which is for certain commercial facilities under a campground. Access to such facilities by outside guests would then be subject to that SUP. We're trying to keep this and § 125-22, separate. There was further discussion regarding how this could be confusing. Mrs. Fox provided an example of an older campground in Chincoteague that opened a waterpark area to the public but also the other campgrounds that don't have facilities. Mr. Grech stated that this is an example of a smaller campground being an excuse for a recreational facility that wouldn't otherwise be authorized. Mrs. Fox noted that it benefited other campgrounds. Chairman Burner noted that in this case, the campground would need to be responsible for their daily load. Ms. Grech stated that the ordinance is enforced by complaints. Nobody is going to complain if the campground approves the guests. Mrs. Fox said she thinks people will translate general public as not a camper. Chairman Burner stated that the general thoughts were that you shouldn't have to go through a separate SUP for a basic amenity like a volley ball court, that there should be some basic by-right recreational facilities in a campground, and this is how it was addressed.

Ms. Grech addressed a question to Mr. Austin, saying that there was discussion about the term water surface area, which they obtained from the Bluewater plans. She asked would Mr. Austin consider the total water surface area just the pools area or the water containing the slides. She stated that she and Ms. Clatterbuck believed it was just the pool for swimming and the pool for landing, and Mr. Austin agreed. Ms. Grech said that this is what they based the number on, which is very close to Bluewater's, which they didn't want to go over. We don't want someone building something larger than that and building a campground with only a few sites, because this would be circumventing the ordinance.

Mrs. Fox asked if larger campgrounds would be allowed to have larger recreational facilities, providing an example of a 700-campground site with a waterpark and lazy river. Ms. Grech stated that her opinion was absolutely not. Chairman Burner stated that this would require two SUPs. Mrs. Grech agreed, adding that there would be a minimum percentage of open

space. She does not foresee a campground bigger than Bluewater happening. The goal was to avoid having large campgrounds with campsites packed like sardines.

Mrs. Fox mentioned that newer campgrounds that she is seeing have more options for indoor space for recreational use, because of weather and so forth, such as indoor confidence courses and indoor laser tag, and in some cases are multi-level. So, the restrictions on height of 25 feet would be concerning. Ms. Grech noted that these kinds of recreational facilities were not typical of a campground, so as Chairman Burner had stated, they would need a separate SUP. Mrs. Fox stated that the standard in the proposed ordinance is 25 feet. Chairman Burner asked what the height limit was in Agriculture district, and Mr. Austin answered 35 feet. Ms. Grech stated that regardless of the height of the building, facilities like those listed by Mrs. Fox would have to be a separate SUP. This is what is meant by the statement, "Other recreational facilities proposed beyond those listed shall be considered in accordance with applicable zoning ordinance requirements." Mrs. Fox stated that under standards, which number "7" falls, it is the height of any structure that can't exceed 25 feet. She asked if someone could even apply for a separate SUP given this wording. Ms. Grech stated that within a campground, nothing should exceed 25 feet because we want to respect the rural character of Page County. If someone wants a recreational facility beyond what is described in the proposed ordinance, it doesn't fall under this ordinance, anyways.

Mr. Hahn restated Mrs. Fox's concern, stating that the only way to have a recreational facility in Agriculture would be in a campground, and they may not be able to even apply for a separate SUP. Chairman Burner said he sees the point – the language does say "any structure." Mrs. Fox asked if the 25 feet could be limited to the temporary lodging. Ms. Grech answered no, because they don't want the slides to exceed 25 feet. Mrs. Fox asked if anything could exceed it, and Mrs. Grech stated no. Mr. Smelser noted that certain recreational facilities were just not seen as congruent with campgrounds. So, to do this, you'd have to rezone the property. Chairman Burner noted that you couldn't rezone to Commercial and still be part of the campground, though, because you can't have a campground in the Commercial district. Mrs. Fox asked if this would be spot zoning if it was in a bunch of Agriculture properties. Chairman Burner stated it depends on what's around it.

Chairman Burner stated his opinion that we shouldn't cap it at 25 feet; we should cap it at district standards. And that is 35 feet. Ms. Grech stated that we were trying to be respectful of the rural aspect of Page County. Mrs. Fox stated that 25 feet is just limiting. She isn't asking for a huge increase. The more people have to do, the more activities they have to do, the longer they stay. And the longer they stay, the better the profit margin for everyone concerned. Mr. Smelser stated that he was a big proponent of business, but one of the things we were trying to do here is address citizens' concerns with campgrounds. There was more discussion about possibly allowing outside guests up to a daily occupancy limit. Ms. Grech stated a lot of this comes down to the vision of the county. The comprehensive plan states that we should respect the rural character of the county. In our minds, tall structures and enclosed structures with recreational facilities don't do that. Anything beyond a campground just requires a separate SUP. Chairman Burner stated that even with a separate SUP, they still wouldn't be able to do it. Ms. Grech stated that that was now – the Board could ask the Planning Commission to address recreational facilities differently, then we'll have to address it. Mrs. Fox stated that her job is to promote economic development and tourism, and her professional opinion is that this restriction is a hindrance to that.

There was brief discussion regarding allowing campgrounds in Commercial. Mr. Hahn reminded the Commission that this debate centered on the question on whether it was preferable to review these applications as rezonings or review them as SUPs. He noted that there was something to be said about reviewing it as rezoning, as you tend have more impact on location in that respect. He reminded the Commission of Ms. Grech's concern from a previous meeting that since the Campground Subcommittee did not really consider allowing campgrounds in Commercial, some of the changes may need to be reconsidered in light of such a change.

Chairman Burner stated that we may want to end discussion on this item and discuss further at the next meeting. Mr. Hahn offered to contact the County Attorney regarding any items already discussed. Ms. Grech stated that she thought the County Attorney's opinions were right on point. She agrees with what he said and what Mrs. Fox said about the onsite operator. There was also something about the buffer zone that needs to be clarified. She also referenced legal's comment about how height was measured from the base flood elevation. Mr. Hahn recommended that we address that now, since Ms. Butler was present. Ms. Butler read legal's question on this. She stated that when you are talking about floodplain, you reference "enclosure" when it is below base flood elevation. If any part of the enclosure is below base flood elevation, then you measure from that floor. This is just the language FEMA uses. Ms. Grech suggested the answer to legal would be that this is just FEMA language. Ms. Butler agreed, stating that this was just the common language FEMA uses. Ms. Grech stated that we don't have an opinion either way, and Chairman Burner agreed. Mr. Hahn stated he would loop Ms. Butler in with legal and try to resolve this question.

B. Zoning Ordinance Amendment- Light Quarry Operation

Mr. Hahn stated that the Planning Commission had spent most of its time on the first page of the draft last time, so all of the margin comments remain for the rest of the draft. He made all the necessary changes to the first page, including adding some definitions that Ms. Grech had recommended at the meeting this was last discussed. This included extraction and processing.

Ms. Grech asked Chairman Burner if Tyler Austin could be allowed to offer his input. Mr. Austin came to the podium. Ms. Grech stated that she remembered when Luray Caverns was putting their new entrance in, and they had to blast, there was a lot of concern that it might disturb the structures. She expressed concern that if a quarry was located in the middle of karst structures, we could be courting trouble. She asked if there was a way that we could incorporate some precautions in our ordinance to make sure that the Planning Commission consider karst terrain, perhaps based on the report of a qualified engineer. Mr. Austin stated that if we are at a quarry in Page County, we would be in karst. That would be the reason for the quarry – limestone rock. Regarding blasting, DMME, which is now Virginia Energy, has very strict restrictions on how blasting is done. A lot of engineering goes into that. They go into a lengthy study period on the formations. Mr. Austin noted that if there was a true quarry operation that the Commission has been thinking of, where we are digging 200 feet into the ground, and a 40- to 50-year extraction, there is so much work that would be required on the front end, he doesn't think we would ever have 25 applications come in. If there was ever a site that would have warranted something of that magnitude, it would have already been here and have been grandfathered for decades. He stated that to answer Ms. Grech's question, a lot of this is governed by [Virginia Energy's] permit. Ms. Grech clarified, "So we don't have to address it? Mr. Austin answered that he would leave that to them. Quarries are on a totally different scale than what we're talking about with the caverns.

Ms. Grech stated that we originally had the word “light” for light quarry operations, and we eventually took that out, but we aren’t really considering any of the big operations that Mr. Austin is talking about. Mr. Austin stated that he didn’t think we should limit it. He agrees with taking “light” out. He believes that during the SUP process, the Planning Commission can review the data and approve it on a case-by-case basis. Ms. Grech stated that at least in her mind, this was in response to a few citizens who were considering smaller operations. Mr. Austin asked why we would want to limit it if the proper conditions, setbacks, regulations can be met and the resource can be extracted and used, and we can benefit as taxpayers.

Ms. Grech asked about decommissioning. Is there a process, once there is a big, ugly hole for that? Mr. Austin answered that they have to have all that together for their mining permit. He just quoted a job in Loudon County where they are taking a large quarry and using it as a reservoir. Ms. Grech asked if this was regulated by zoning ordinance in Loudon County, and Mr. Austin stated that it was regulated by Virginia Energy. Ms. Grech asked if it was correct then that we could have quarry regulations in principle, but then a lot of the regulation escapes our control. Mr. Austin stated that this is correct, adding that it is well-governed. Mr. Austin added that in terms of the proposed draft, it is very good. Many of the ordinances he has looked out elsewhere are very vague. The proposed draft allows for SUP process, and the Planning Commission can look at parameters such as distances. These are going to be in Agriculture and Woodland Conservation Districts, where we’re going to have neighbors at some point. And it has to be a big enough area to begin with for it not to be cost-prohibitive to set up all the roads and access.

Ms. Grech asked what kind of acreage would be optimal or minimal for a quarry. This isn’t something that could be done on 5 acres, for example? Mr. Austin answered no; you would need more than that. He added that he was glad the draft allows for onsite sale, because without it, nothing would be feasible. With onsite sale, and the need for space for trucks and the scales, it would have to be over 5 acres. Mr. Smelser asked if Mr. Austin knew the size of the quarry on 602. He said he didn’t know, but the quarries he did permitting updates for in the Broadway area were over 100 acres.

Ms. Grech asked Mr. Austin if there were any conditions or guidelines that we should think about. Mr. Austin stated that the ones in the draft are very good, especially the timing on when blasting can be done. Access is what he is always concerned with. VDOT is always going to look at it, but we should address traffic impacts and access.

Mr. Austin stated that we have a spot in our Zoning Ordinance for site plans. He asked with regards to this ordinance and the campground ordinance, why do we keep putting site plans in each one. Ms. Grech stated that the Berkley Groups recommendation has wording on the site plan requirements in general, but until we have that, our current ordinance has to be specific with the site plan requirements. Chairman Burner agreed, and Mr. Austin stated this makes sense.

Mr. Austin stated no harm intended, why does the county need to see some of these things that are mandated by regulatory agencies that have far more power to regulate than we do. If we were to review this and regulate something differently than what Virginia Energy would say, then we would be in a catch-22. Ms. Grech stated she, not knowing state and federal regulations on this, would rather be guilty of overregulating than underregulating. We don’t want to leave any loopholes. Mr. Hahn noted that Virginia Energy isn’t going to look at it until we approve it at the local level, so we wouldn’t be able to see some of the

safety/operational plans without some of this language *[Staff note: Matt Kretsch from Virginia Energy later corrected this, and Mr. Hahn feels it important to note here in the minutes. Per Mr. Kretsch: “[O]ur Department will review any applications for a Va. Mineral Mining License from a potential mine operator throughout the state without prior approval from the local governing body. What I may have mentioned to you at one time or another over the phone was that we typically ‘recommend’ that they receive approval from the local zoning commission prior to submitting an application to our Department.”]* Ms. Grech noted public unhappiness at recent DEQ public hearings for the wastewater treatment plant for the Bluewater project, and there were things in there that the Planning Commission did not know about during the SUP process. That is her concern – that we might miss something because we don’t know what the Department of Energy or DEQ does. Had we known, we may have dotted our I’s and crossed our T’s or asked for conditions we did not ask for.

Ms. Butler asked if this was limiting soil borrowing in any way, or is it just a definition. Mr. Hahn stated it was a definition. Chairman Burner noted that originally there was no definition, and given the idea that if it’s not listed, it’s not allowed, we wanted to define and list the use. Mr. Austin stated that [soil borrowing] is a major part of the phasing plan. Mr. Grech stated that Mr. Hahn has done a good job in defining it. Mr. Hahn stated that our goal in defining it was to draw a distinction between soil borrowing and quarries, but originally there was actually too much overlap. We believe this is now fixed. Ms. Grech stated that these are sometimes difficult to write, because we aren’t technical experts on these uses. Mr. Austin expressed appreciation for the work – it’s much easier for him to provide information to his clients when there are clear ordinances. He understands it’s difficult, and he expressed thanks. Ms. Grech stated that definitions can be especially difficult, and they are important.

Mr. Hahn asked Mr. Austin if there were one or two things he was strike under section “D,” what would he strike. He noted that he would strike (1) [the property management plan] and (2) [the safety plan]. Mr. Hahn added that item 2 was noted in margin comments as something that may be superfluous given Virginia Energy’s oversight. Mr. Austin noted that MSHA, which is the mining division of OSHA, is more stringent than OSHA is. Ms. Grech asked, then, if (2) was superfluous, and Mr. Austin agreed. Mr. Austin stated that he understands where we are with (1), though, since the Commission just wants to see this from a neighbor perspective. Ms. Grech stated that we also want to avoid having people who have no idea what they are doing trying to talk us into allowing a use that would be a nightmare.

Ms. Grech asked how far in terms of feet would a neighbor be bothered by the noise levels of a quarry. Mr. Austin stated that the last time he dealt with noise complaints was for an asphalt plant, and they just limited the times in which they operated, and there didn’t seem to be any issues since then. He stated that 300 feet on every boundary is a lot. But Virginia Energy isn’t going to allow blasting ten feet from a property line. They have regulations on their setbacks. But he can’t speak specifically to decibel level of blasting. Ms. Grech stated that blasting is a very short and a very loud noise, whereas other methods which are not as noisy but take place over longer periods of time. She asked Mr. Austin if that was correct. Mr. Austin confirmed, though he said that blasting isn’t necessarily loud anymore. It is a pretty exact science. Sometimes it sounds like a muffled machine gun.

Ms. Grech stated that in terms of nuisance to neighbors, what would that be. Mr. Austin stated it would be truck traffic and rock-crushing. Quarries are likely to be in Agriculture and Woodland Conservation, and we would be requiring a buffer. A good bit of the area around it would be kept forested, he would hope. Ms. Grech asked if a berm helps with sound. Mr.

Austin stated that Virginia [Energy] will require berms sometimes for runoff, making sure nothing can go offsite, and making sure nobody can come on site. He stated he didn't know if would help from a sound standpoint. Regarding dust, if you ever drive by a quarry, you rarely know that they are there, except for the truck traffic. That's with any industry. Ms. Grech asked Mr. Hahn if there was language regarding traffic, and Mr. Austin referenced the criteria for the SUP, item (2), which stated "Impact of traffic on nearby residences, and mitigation thereof." Ms. Grech stated that we may need to state in standards that the quarry should be located on a secondary road, not a back road. There was further discussion about this, and Mr. Austin recommended it be a "paved, state road" or a "state route." Ms. Grech stated this may be better as a standard. There was further discussion regarding what VDOT would allow. Mr. Adams asked what if the quarry put the resources into fixing the road. Ms. Grech stated that it was her understanding there was a landowner who had expressed interest in having a quarry; she asked what kind of road this would be accessed from. Mr. Austin stated that it would be a secondary, state road. He expressed agreement with Mr. Adams, that some quarry operators may be willing to put in three miles of road improvements for a project. Chairman Burner asked what if we stated that access must be built to VDOT's secondary road standards. There was more discussion. Mr. Austin stated that in the site plan for Virginia Energy, they will dictate road type, road depths. Ms. Grech clarified that this was for the roads that are part of the quarry, itself, and Mr. Austin agreed. He stated that as long as we say it must meet a state-maintained road, VDOT will have governance over whether they will allow that use to proceed. They'll give that feedback to the Commission. They might say that if the quarry upgrades a road to VDOT standards, they would allow the project.

Ms. Grech expressed how grateful she was to have Mr. Austin present. There are many times we have questions and we wish we could have some expertise. Chairman Burner asked if there were any more questions for Mr. Austin or any further discussion. Mr. Austin asked when this might be taken to public hearing. There was discussion on the timeline and the paper deadlines. Ms. Grech mentioned that we still need to look at staff comments in the margins. Mr. Smelser stated, to answer Mr. Austin's question, that he didn't think it would be next month. Chairman Burner stated he is hoping for shorter than two months. Mr. Hahn stated that it would likely be on the next agenda, so he is hopeful it might be ready to send to public hearing at that point.

Ms. Grech stated that the margin comments seem to mostly be about setbacks. She asked if we should try and go over the document now, and Chairman Burner agreed. Chairman Burner said he didn't see any changes necessary for the operation times. Ms. Grech asked if Mr. Austin saw any problem with the times. Mr. Austin asked if this was something stated in general terms as a standard but then can be confirmed at special use. What if an operator could only blast sand at 6 o'clock in the morning given temperatures or the way something from inland port comes in? Having flexibility in times of operation may allow the Commission to see the proposed use and make decisions based on that. Chairman Burner said we may want to change number 7 under criteria, which currently states: "Limitations on means and timing of extraction and processing of material." Limitations makes it sound like we would want to go narrower. There was discussion on why the drafted terms were chosen, which was to allow people to pick up material after their own working hours. There was also discussion about the BZA's role in changing something like times of operation, but it was generally agreed that the Planning Commission would still need to review any change of use that was part of a special use permit. Chairman Burner stated that the word "shall" may be limiting this. He recommended changing the language to "Extraction and processing activities may be conducted between the hours of 8:00 a.m. and 5:00 p.m. on Mondays

through Fridays. Operations outside of these hours shall be considered as a condition of the SUP.” Ms. Grech clarified that this would only be for the extraction, because there would not be an exception for sales and loading/unloading.

Chairman Burner asked if there was any discussion about setbacks. Ms. Grech asked where those numbers came from. Mr. Hahn stated we started with the setbacks from sawmills and made them larger. Ms. Grech asked if the noise from sawmills is comparable to quarries. Chairman Burner stated that they are somewhat comparable. While Mr. Hahn was pulling up zoning code language for sawmills on the screen, Ms. Grech added that the Berkley Group’s definition for quarries was scary to her, as it allowed for things like fracking, oil, diamond, or other resource extraction. She asked if Mr. Austin liked the current definition, and he indicated he did. After looking at setbacks for sawmills, Ms. Grech stated that she is good with proposed setbacks for quarries.

Mr. Hahn asked if we could remove item (2), which was the safety plan. Ms. Grech recommended accepting Mr. Austin’s suggestion and removing this item. She stated that the campground subcommittee had added sections related to fire and EMS, so should we include something about this in the place of the safety plan. Chairman Burner noted that accessibility to emergency services is included in the list of criteria for the SUP.

Ms. Grech stated that she is fine with these changes, and Chairman Burner suggested we send it to legal. Mr. Hahn recommended also requesting Mr. Kretsch at Virginia Energy look over the proposed ordinance and obtain any thoughts he has on the changes. Ms. Grech agreed, and she also asked that Mr. Hahn send the next draft to Mr. Austin. Chairman Burner agreed, and indicated we could review all of this at the next meeting and potentially send it to public hearing. Ms. Grech added that Mr. Hahn could let the Commission know if Mr. Kretsch felt he could come to a Planning Commission meeting and set us straight on anything related to the proposed ordinance.

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

Chairman Burner recommended that we not go over the use matrix tonight, and the Commissioners expressed agreement.

Open Citizen Comment Period

None

Chairman’s Report

None

Clerk’s Report

None

Adjourn

Mr. Turner made a motion to adjourn. The motion was seconded by Mr. Smelser. The motion passed unanimously. The meeting was adjourned at 8:55 p.m.



Jared Burner, Chairman