

MINUTES
PAGE COUNTY PLANNING COMMISSION
July 12, 2022

Members Present

Catherine Grech, Secretary, District 1
Isaac Smelser, District 4

Jared Burner, Chairman, District 3
William Turner, Vice Chairman, District 5

Members Absent

Tom Mitchell, District 2

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Jared Burner called the July 12, 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 asked if they could swap B & C under unfinished business. Mr. Turner made a motion to amend the agenda as discussed. Ms. Grech seconded the motion. The motion passed unanimously 4-0.

Citizen Comments on Agenda Items

Bob Haggard- Mr. Haggard stated he was opposed to the campground application. He is disturbed that the buyer would mislead Mr. Dykes by saying he was going to build a house. Obviously, when you sell the property, the new owners can do what they want but he finds it very disturbing. If he remembers correctly, in the beginning they were talking about a primitive campground with something similar to giant golf balls for the campsites. Now, they are looking at stick-built cabins with air conditioning, heating, running water, and bathrooms. That's a far cry from being a primitive campground. He is also speaking on behalf of Emmett Brooks who owns property across from this. He lost his grandson and made a sanitary on his land and people will trespass just to see what that is all about. This is all transient people. He is not saying they are bad people but he has friends in the rental business and they had a bunch of college students stay at their place and they threw all the patio furniture in the pool which split the liner in the pool. There was \$13,000 worth of damage. The biggest thing that chaps him is they mislead Mr. Dykes, then they come in here asking for a primitive special use permit and now it's all cabins with amenities.

Jeff Good- Mr. Good stated he was speaking in objection of the proposed campground. He bought adjacent property near this for enjoyment with his family to include hiking and hunting. This area is agriculture. It is not set up for a campground. They've gone from a campground to an air bnb. A-frames coming in don't make sense under the campground ordinance. As previously presented, he reminded the commission of the petition against the proposed campground which included 292 signatures. He has spent countless hours obtaining these signatures and educating people about the proposal. He is not here to put Mr. Martinez down and understands he is here to make money. One of the biggest issues he has is trespassing, trash, and campfires. Even the National Park has issues with trash and campfires. Who will be onsite to manage this operation? The local Sheriff's Office will be

getting phone calls. Consider if this proposal was next to your land that you had worked all your life for.

Ken Jemelity- Mr. Jemelity stated regarding the proposed campground he did have some issues with that. From primitive to semi-primitive to all the modern amenities. To have all this with no onsite management is a big concern. He spent several years working at another local campground and they had someone onsite 24-hours a day and still had issues where the local Sheriff's Office had to be called in. Having no one onsite is a recipe for disaster.

Dan Corwin- Mr. Corwin stated he also opposed the proposed campground. It started out with ten sites and then went down to seven sites. They've taken it from a primitive campground to full amenities. They have proposed 440-720 square foot cabins. You may as well say we have a seven-bedroom house. He believes they also mislead the seller of the property. There is still allegedly 37 acres to this property. What will you allow them to do next? Mr. Corwin owns sixty acres beside this. His is pretty wide open. Are you going to allow me to do the same thing? Can I put sixty cabins on my property? This is not what Stanley is about. He is all about tourism and bringing people in to see this county. He moved to this county for a reason which was to get away. If you want to vacation and party, go to the river. Leave it out of Kite Hollow Road. We are a tight community with a thriving local church and a beautiful sanitary right across the street from this. How will you manage and control the traffic? Who is the onsite management? Where are they at? There is none. It will fall to the responsibility of the Sheriff's Office. We aren't naïve and we know what is going to happen here.

Jodi Orr- Ms. Orr stated she was also opposed to the proposed campground location. She stated glamping was a fabulous concept but it was not good for this location. This is a farming and hunting preserve area. Part of the application review process is does it fall within the zone- which it does, can it get water- yes, has the Virginia Department of Transportation looked at the roads- yes, but there is one thing more you must consider which is does it compliment what exists? Is it consistent with surrounding land uses? A glamping operation is inconsistent with a farming and hunting community. Imagine the farm smells, dust, and crack of the shotguns. This sets both sides up with frustration and failure. She encouraged them to deny the application. She noted what the applicants are proposing is a wonderful idea but not for this property. She urged the commission, board, and economic development to sit down and discuss these issues. Creating a corridor- like 211- is an ideal place but not in the proposed area.

Public Hearing

None

New Business

A. IBR Corporation/HighSpeedLink- Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

HighSpeedLink (Occupant) and IBR Corporation (Landowner) have filed an application for a SUP to construct a new 150' monopole and antennas with a four (4)' tall lighting rod attached to the top of the monopole located at 974 Kibler Hill Road, Luray, VA. The parcel is identified by tax map number 23-(A)-22, contains 54.067 acres, and is zoned as Agriculture (A-1). The site currently houses a temporary telecommunication facility approved by the Page County Board of Supervisors. This application is attempting to make that facility permanent through the approval of a special use permit application. The proposed monopole meets the minimum setbacks required from all property lines. Pursuant to §125-30.3 F(1)(b)[2] (*Wireless communications facilities*) of the Page County Zoning Ordinance, any new tower in the A-1 zoning district requires a SUP.

The applicant has reached out to the following agencies for comments:

- Virginia Department of Transportation (VDOT) – Per David Atwood, with the Virginia Department of Transportation, the site is accessed by an existing private driveway off Kibler Hill Road. The existing driveway is adequate for the use of a telecommunication tower.
- Health Department- Per Herbert Cormier with the Page County Health Department, upon a review of revised site plans for the project, they have no objections to the proposal as submitted.
- Building Official- Per James Campbell, Page County Building Official, he has no objections to the proposed use noting that applicable permits will be required prior to construction.

The Page County Comprehensive Plan, Volume 1, Chapter 3, states the following:

- Goal 5, Policy 5.17- *“Ensure that public facilities and utilities are adequate, development impacts are assessed, ground and surface waters are completely protected and sufficient buffering is provided for adjacent land users as part of the development review process.”*
- Goal 6, Policy 6.3- *“Encourage the expansion of telecommunications infrastructure throughout the County, including an open access fiber optic network, broadband service and other high-speed communications infrastructure, to support technology-dependent industries.”*
- Goal 11, Policy 11.1- *“Ensure that adequate utility services are available to meet existing and projected needs of all County users.”*
- Goal 11, Policy 11.2- *“Develop and maintain adequate public facilities that meet the current and future needs of the County.”*
- Goal 11, Policy 11.3- *“Ensure that the minimum level of service, consistent with development need, is provided at the time development occurs.”*
- Goal 11, Policy 11.4- *“Enhance Page County’s telecommunication infrastructure.”*
- Goal 11, Policy 11.20- *“Ensure that public police, fire, and other emergency services provide the highest level of citizen protection within the fiscal resources of the County.”*

Staff recommends the commission schedule the public hearing on this special use permit application at the August 9, 2022 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

OR

I move an alternative motion.

She provided a copy of draft conditions which were included based on other applications for similar uses. She also noted that this property currently has a permanent tower on it that is owned by Shenandoah Valley Electric (SVEC). She presented a photo of the existing tower.

Mr. Beniamino apologized for not being able to attend in person due to a family emergency. He noted he was present for any questions.

Chairman Burner pointed out that the narrative stated that the proposed tower was 195 feet. Mr. Beniamino stated that was an error. The proposed monopole is 150 feet with a four foot lightning rod (154’ total). Chairman Burner asked if the existing mobile tower onsite would be removed once the proposed new tower is constructed and Mr. Beniamino confirmed.

Ms. Grech stated she was surprised to see no mention of the existing tower (owned by SVEC) in the application packet nor the site plan, etc. She stated she did visit the site today and took some

photos and the existing tower she believes is 195 feet. She finds it odd that the existing tower was omitted as the site plan should have reflected that. Ms. Grech presented the photos to the commission that she had obtained. Mr. Beniamino asked if she was referring to the mobile tower noting he was not able to go to the site yet as he had planned to go prior to the meeting but wasn't able to attend due to a family emergency. He stated he would go back to the engineering firm that prepared the site plan and ask why that was not included and will have them revise the site plan to show that.

Ms. Grech pointed out that our code states that the applicant must provide documentation that the new equipment cannot be supported by any existing towers. In her opinion, that has not been done as Mr. Beniamino was not aware that there was even an existing tower onsite. Mr. Beniamino stated he would have to gather information and come back to the commission. Ms. Grech suggested the commission table the application until Mr. Beniamino can complete the application in which Mr. Beniamino agreed that was best. Mr. Turner seconded the motion. The motion passed unanimously (4-0). Ms. Grech also noted there was large equipment onsite and she wondered if they had already started construction of this tower. Mr. Beniamino stated he was not aware that construction had begun since they do not have their special use permit yet.

Unfinished Business

A. Johnathan Martinez- Special Use Permit Application

Ms. Clatterbuck reminded the commission this special use permit application was introduced to the commission December 14, 2021. At the January 11, 2022 meeting the commission scheduled the public hearing for February 8, 2022. At the January 25, 2022, staff invited the building official to review the proposed camping units, reviewed the site plan in details, discussed draft conditions, concerns from neighbors, etc. At the public hearing, the application was tabled. The application was on the agenda again at the February 17, 2022 meeting and it was tabled which is where we last left off. As a refresher, a copy of the latest conditions and minutes from the last meeting this was discussed have been provided to the commissioners. Ms. Clatterbuck concluded to note that Mr. Martinez was present and would be reviewing the revised site plan. Mr. Abasolo is also participating via zoom.

Mr. Martinez stated there seem like there was a game of telephone here and he would expect staff could back up what he was about to say. They never presented that they were going to be a primitive campground. He noted that his cousin was his real estate agent when he purchased the property. He does not know what his real estate agent told Mr. Dykes when they purchased the land as he was not there, but he has asked his agent and she told him they were going to do air bnb operations. I understand the county is in a tough spot as you are getting calls about these every day. This is the only way to do multiple air bnbs based on current code as Ms. Clatterbuck has previously explained in past meetings. They were looking for land and it was beautiful property. Initially, they asked for ten sites on the 47 acres. They wanted to do the domes because they are cheaper to build than the a-frame cabins. After hearing from neighbors and the commissioners, they felt the a-frames would fit the area better and they reduced the number of units to seven instead of ten. There would be no campers such as fifth wheels, etc. They've revised the site plan to show the greenbelt. They are proposing to add evergreen trees as shown on the site plan. The camping units would be no more than 400 square feet. They are open to whatever fencing the commission would like to see.

Mr. Abasolo stated he felt their proposed revisions fit more into the surrounding environment. He touched on a few of the concerns that were previously brought up by citizens and commissioners and how they would address them such as trash, fire pits, board fencing, management, etc. (*Staff note: inaudible*) There was some discussion amongst the commission about the fencing.

Ms. Grech asked the applicant to explain the landscaping that was provided which was a list of trees along with the site plan that showed proposed trees. Mr. Abasolo reviewed the material in detail. Ms. Grech stated she felt what they provided was quite enough and felt some of the proposed trees, because of the type, would not survive in this area.

Ms. Grech asked if the Health Department had signed off on the well and septic permits. Ms. Clatterbuck read the comments from the Health Department provided in the packets.

Mr. Turner stated there was a lot to think about here. We can't grant a permit to one and not to another. We can't say what goes in this campground but it's not enough information for him to be able to vote yes for it.

Ms. Grech stated she respectfully disagreed with Mr. Turner when he said we can't grant a permit to one and not another. That is exactly what the special use permit is. The permit takes into account the special conditions of each site. We are only looking at this site right now and the ordinance. Looking at permits that were awarded in the past is not our place to do that. Ms. Grech stated for the benefit of the audience, she wanted to say that they had read their comments and letters and are mindful of everything they were saying. But in terms of zoning land use, here are her thoughts. As this application stands now, this is a commercial operation. It is a commercial operation on land that is zoned agriculture, hence, the special use permit. Seven air bnbs on ten acres. As far as she is concerned, that is a pretty intense use of land. As far as the surrounding properties, our role is to mitigate the uses that are brought in front of us with the existing uses of the neighbors. All properties adjacent are either agriculture or woodland-conservation. There are no commercial activities in Kite Hollow. In terms of use, it is agriculture and residential. She is not sure that an intense use of commercial on this property is consistent with the present use of the land. So that is exactly where the conditions come in which are to mitigate the impact. So if the use is not consistent, we need to try and make it more consistent such as the wire mesh fencing in keeping with tradition in the area, a functioning buffer, etc. What bothers her the most about this project is the lack of onsite management. She is aware that the applicants don't think it's a big deal but this is why she feels like it is. Fires, safety, trespassing, noise, and how can you enforce your rules when there is no one onsite? She is uncomfortable having no management onsite and it doesn't look like the applicants are reconsidering that aspect of the plan.

Ms. Grech made a motion to recommend denial of the special use permit, because in her opinion, it has adverse impacts on the character of the neighborhood and neighboring properties. The motion was seconded by Mr. Smelser. The motion passed unanimously (4-0).

B. Review of the Floodplain Ordinance Amendments

Ms. Bulter presented the following staff report:

As part of the zoning ordinance update, I have worked with the Berkley Group and office staff to update the floodplain ordinance. The proposed draft closely follows the model ordinance provided by FEMA and DCR. It has had a pre-adoption review by DCR and has been preliminary recommended for adoption.

As previously states, the new ordinance will be removed from the zoning ordinance and become a stand-alone ordinance within Page County Code. The legal review has been completed and has been recommended for adoption.

Staff is requesting they schedule the public hearing for August 9, 2022.

Ms. Grech asked what specific changes with recommended by legal. Ms. Butler noted it was just general stuff and organization.

Ms. Grech made a motion they schedule the public hearing for August 9, 2022. The motion was seconded by Mr. Smelser. The motion passed unanimously (4-0).

C. Review of Sign Regulations Amendments

The commissioners continued the review of the sign ordinance picking up where they left off previously beginning with the first section after definitions and ending at the section labeled exempt signs. They did provide Ms. Grech with a quick update on the definitions previously decided upon since she was not at that meeting. *(Staff note: A copy of the draft language agreed upon by the commissioners is available upon request. In the future, an updated version will be provided to reflect the changes as we are further along in the review of the draft).*

D. Review draft of Zoning and Subdivision Ordinance

Nothing to report.

Open Citizen Comment Period

Ken Jemelity- Mr. Jemelity stated he felt the proposed campground was just a subdivision with a few twists to be used as short term rentals. This is just an attempt to get around the subdivision regulations.

Chairman's Report

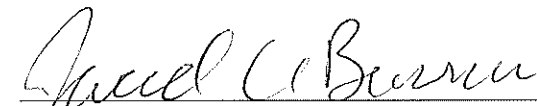
None

Clerk's Report

Ms. Clatterbuck noted that she, Josh Hahn, Nina Fox, James Campbell, along with administration, was invited to attend the Board of Supervisors Retreat held back in June. The goal was to discuss issues that our department is seeing related to zoning and subdivision of land and we also heard issues that the Economic Development Department is also seeing. Just a heads up on a few things we will be addressing in upcoming meetings: campground ordinance, guest house definition, and the 25-acre division rule.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Turner made a motion to adjourn. The motion was seconded by Mr. Smelser. The meeting was adjourned at 9:02 p.m.


Jared Burner, Chairman