

MINUTES
PAGE COUNTY PLANNING COMMISSION
August 8, 2023

Members Present

Catherine Grech, Secretary, District 1	Chris Adams, District 2
Jared Burner, Chairman, District 3	Isaac Smelser, District 4
William Turner, Vice Chairman, District 5	

Staff Present

Tracy Clatterbuck	Josh Hahn
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Call to Order

Chairman Burner called the August 8, 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. Smelser made a motion to adopt the agenda as presented. Mr. Turner seconded the motion. The motion passed unanimously (5-0).

Citizen Comments on Agenda Items

- 1) Charlie Newton: He indicated he had a few questions related to the possible quarry ordinance which he thought might be answered by the Department of Energy representative who was present. He is curious what kind of rocks and minerals exist where the quarry is proposed. This could be granite, sand, limestone. He is curious how the protective measures may differ when mining for different materials. Would the quarry be an open pit operation? What precautions for protecting water quality are included in state regulations versus things we need put in our own regulations? What noise regulations exist in state regulations, such as hours of operation or maximum amount of noise allowed from blasting? What protections exist in state regulations for the heavy truck traffic that will be on the roads serving the quarry, because the back country roads can be beaten up by such trucks? Wells in our area are dependent on cracks in granite and limestone bed rock to provide the water to our wells; to get a sustainable well, you have to find larger cracks that run further into the bedrock. Once a quarry starts blasting, that can change the way water flows in the neighborhood of the quarry. People who have property nearby may have their wells disrupted. Once the quarry has removed the overburden of soil to get to the rock, groundwater is often exposed to oil, silt, and other pollutants. The quarry may have to pump out rainwater or groundwater in order to operate their equipment, which is greased and oiled and diesel-fueled. Anything that happens in the quarry is washed into the groundwater, and the pollutants can ruin the groundwater, even after a quarry is closed. These are things we need to think about if the state regulations can't protect us in the way that we hope. Most people would think that Agricultural zoning would not include large, noisy, pollution and heavy-traffic activities associated with open-pit mining. This is more like an Industrial activity. What zoning we decide is appropriate for quarries is also important. He thanked the Planning Commission.

- 2) Beth Snider: Mining typically uses the heaviest, largest equipment. Many operate 24/7. Blasting, digging, crushing, and transport of gravel and other products is the most intrusive industry for anyone located in the vicinity. Mitigation or suppression of the impacts is very expensive, if even possible. The dust coats everything, including vegetation and crops. The noise can be heard for miles. Blasting has adverse effects on livestock, terrain, and quality of life in the affected zone. On karst terrain, blasting will most likely have far-reaching, detrimental effects on the water table and the wells of others not affiliated with the mines. Trucks filled with stone are very heavy and will negatively impact our roads and traffic. She urged the Planning Commission to carefully consider all of the angles moving forward. She thanked the Planning Commission.

New Business

A. Adoption of Minutes- July 25, 2023

Chairman Burner allowed time for Commissioners to review the minutes included in the agenda packet. Mr. Hahn noted an instance on Page 2 where “Mr. Fox” should be “Ms. Fox,” stating staff would make that correction. Mr. Smelser made a motion to approve the minutes, as amended. Mr. Adams seconded the motion. The motion passed unanimously (5-0).

B. Appointment of Clerk

Ms. Clatterbuck stated that Mr. Hahn had recently been promoted, with his current title being “Planning Director.” He has attended the meeting with her for the last year, at least. She would like the Planning Commission to consider appointing him as the Planning Commission Clerk, after tonight. Ms. Grech asked what this would change. Mr. Hahn stated that Ms. Clatterbuck would not be required to attend every Planning Commission meeting. He indicated that because Ms. Clatterbuck is maintaining her role as Zoning Administrator, she would still be attending most Planning Commission meetings, so not much at all will change. Ms. Grech asked how this will affect the Zoning Subcommittee. Right now, Ms. Clatterbuck is attending as the Clerk, but can she attend as the Zoning Administrator? Ms. Clatterbuck and Mr. Hahn affirmed.

Mr. Smelser made a motion to appoint Mr. Hahn as the Planning Commission Clerk, and Ms. Grech Smelser seconded the motion. Chairman Burner asked for a roll call. The motion passed unanimously (5-0).

C. Discussion of a Subdivision Subcommittee

Chairman Burner stated that he spoke with staff about perhaps getting some other subcommittees going, and he knows that subdivisions are going to take a long time. He’d like to appoint a Subdivision Subcommittee. He stated that this is a subcommittee he wouldn’t mind serving on. He asked if there were any other volunteers. Mr. Smelser volunteered. Ms. Grech volunteered. There was some discussion about what having three Commissioners on the subcommittee would mean, and Ms. Grech withdrew her name, indicating her willingness to help the subcommittee however she can. Chairman Burner said that everything will be discussed in the full meeting, anyway – this is just a process to speed things up.

Mr. Smelser made a motion to establish a subcommittee for the subdivision ordinance. Mr. Adams seconded the motion. The motion passed unanimously (5-0). Mr. Hahn noted that this will be the second subcommittee, and he will need to staff these meetings, so we will need to be mindful of scheduling moving forward. Chairman Burner agreed.

D. Zoning and Subdivision Subcommittee Report

Ms. Grech stated that the subcommittee met last Tuesday [8/1/23], and it was very productive. We almost finished reviewing what we had been assigned, which was Articles 1 and 2 of the draft ordinance. The intention of the subcommittee is to make sure what was proposed, since it was two years ago, is still in line with state code and that there was nothing left out by the Berkley Group that we would like be present in the ordinance. We are progressing very nicely, looking forward to moving on to Article 3 if that is the pleasure of the Planning Commission. We will be done with Article 2 at the next meeting. Chairman Burner stated that as long as the subcommittee is moving, keep moving. When they feel as though they've hit a wall, bring it to the full Planning Commission. Ms. Grech agreed.

Unfinished Business

A. Zoning Ordinance Amendment- Quarries

Mr. Hahn stated that the packet included the most current draft of the quarry ordinance. This is the same version as last time, as we had not made any changes. He noted that Matthew Kretsch from Virginia Energy, formerly Virginia Department of Mines, Minerals, and Energy (DMME), is present. Mr. Hahn stated he included a supplement document with Mr. Kretsch's responses to several questions the Planning Commission members had sent him since the last meeting.

Ms. Grech stated it would be nice to invite him to the podium to speak so there would be a little more interaction. She thanked Mr. Kretsch for coming. She also referenced a document with a table that Mr. Hahn created that provides information on how quarries are allowed in other counties. She recommended that we use the questions and responses Mr. Hahn referenced earlier to guide discussion.

Mr. Kretsch introduced himself. He is with Virginia Department of Energy. He is the state mine inspector assigned to Page County. He covers Page County down to Botetourt County and west to the West Virginia state line. He has been with the state for 17 years. He indicated he was available to clarify the responses he had provided and answer other questions. He noted that he does have an application as of right now for any type of mining in Page County. There is one existing mine, a shale pit, that has been in existence since 1993. But there are no applications on record. They typically don't get involved in the initial zoning, and the regulations, restrictions, and setbacks are primarily done at a county level. He can explain what the process is that they follow, in the event they receive an application, as well as what follow-up inspections take place.

Ms. Grech asked Mr. Kretsch to explain what a shale mine is and where it is located. Mr. Kretsch stated it is located just north of Blainesville, off of Rt. 629. It was permitted in 1993. There is no processing, drilling, or blasting. They excavate it and let mother-nature fracture the shale. They load up the shale with excavators and use it for local construction projects.

Ms. Grech asked Mr. Kretsch to explain the application process. Mr. Kretsch stated that if they receive an application from a business or entity, first they look to see if there are any records of them getting a mine license or mine permit revoked by the state. A mine license in effect tells the state that the applicant will abide by the safety laws and regulations. So that is safety-related. They also need to get a mine permit, which says they are going to abide by the environmental restrictions and regulations that are in effect for mining. When they receive an

application, they make the applicant contact all the neighbors within a thousand feet of the proposed permit boundary. They have to send out a certified letter. At that time, all the neighbors have an option to write in and express concerns and complaints. Then Virginia Energy will arrange for a public hearing and they invite the public and address their questions and concerns, and then they decide whether they will issue the mining license and mining permit. Once those are issued, they follow up with inspections at least twice a year, and they work with them on safety, reclamation, ground-disturbing activities, and overburden removal. On the safety side of things, if they get into drilling and blasting and processing, then the federal organization (Mine Safety Health Administration) gets involved and oversees safety, and Virginia Energy just handles reclamation. Once drilling and blasting and processing is complete and MSHA pulls out, then the state is still going to perform reclamation inspections for the life of that mine.

Mr. Adams stated that Mr. Kretsch had indicated that during the process at a public hearing, neighboring properties have time to speak about their concerns. He asked Mr. Kretsch if they had ever denied a permit due to any type of public opinion. Mr. Kretsch stated that he hasn't seen any application be completely turned down. He has seen restrictions or additional information required to answer neighbor concerns. He stated it is different at the county level, and that there isn't anything that restricts the county from going over and above what is required by the state. He just doesn't want to see the county go through a lot of time and trouble making the zoning so restrictive or detailed when it is already in effect by the state laws and regulations.

Ms. Grech stated we don't want to create rules that are redundant with state or federal regulations; however, we want to ensure that there are no loopholes for things we haven't thought about, since we are not as familiar with quarries as we are for something like campgrounds. Mr. Kretsch agreed. She asked Mr. Kretsch if there are any areas that he sees that are usually covered by counties because they feel state and federal regulations don't cover it sufficiently. Mr. Kretsch answered: primarily setbacks. The state setbacks are very minimal. The mining company can't disturb any area within five feet of an adjacent property line without prior approval. If they do, it is a \$500 fine, paid to the adjacent land owner. There is a 25-foot setback for cut-or-fill slopes, which would include the screening berms, cut and fills, stockpiles, and things along those lines. The screening is 100 feet of undisturbed forest, or they can do a screening berm. Sometimes topography is prohibitive of proper screening. Some counties take impact studies and look at whether screening is feasible. When counties consider setbacks, it's usually distances to a road or to an inhabited building.

Ms. Grech stated that Mr. Kretsch had responded to one of the questions that quarry blasting remains the number one source of complaints, and that blasting tends to attenuate over distances. Speaking for herself, she has no idea what kind of distances we are talking about. She has heard that in Front Royal, when they blast in Riverton, you hear it all the way at Martin's on the other side of Front Royal. With the topography such as ours, with basins and hollows, the sound may reverberate. She asked what his experience was with this, and whether sound travels long distances. Mr. Kretsch said yes, and that people who are new to a neighborhood are going to hear and feel [blasting]. Current regulations are such that quarries have to monitor with a seismograph at the nearest inhabited structure not owned or leased by the quarry. The maximum allowable levels are established. It's 133 decibels (dB) at the nearest inhabited structure. As far as the ground vibration, it is done by frequency. Perception of vibrations are going to be higher at lower frequencies. Our regulations refer to a "Z-curve." When they get in the higher frequencies, they are allowed to have higher vibration levels, but

if they are in the lower frequencies, they have to have lower vibration levels. And it is all done by seismograph.

Ms. Grech asked if higher frequencies are blasting and lower frequencies are pounding and crushing equipment. Mr. Kretsch answered no. There is nothing about vibrations offsite related to the processing, just the blasting. The frequencies are related to the medium, the soil, the geology in the area, as well as the distance. You're going to have three offsite effects: the ground vibration, the air overpressure (the noise you hear), and the potential for fly rock on rare occasions. These things are all regulated. The maximum allowable levels are based on hundreds of studies going back to the 1970s on different kinds of blasting operations and different structures. The state took those guidelines and cut them in half, not allowing vibrations or air overpressure above these levels. Ms. Grech asked if this was the 133 dB, and Mr. Kretsch confirmed that this was the level for the noise. Ms. Grech asked if he could explain how loud 133 dB was. She stated that a jet engine at 100 feet is 100 dB. Mr. Kretsch said he thinks a gun shot is about 140 dB. Ms. Grech stated that a gun shot is very brief, so this would be like a repeated gunshot. Mr. Kretsch stated no, and that this is air overpressure, so it is instantaneous after it goes off. There was more discussion, and it was clarified that the topic was blasting and not crushing equipment. Mr. Kretsch stated that the only regulations related to crushing equipment are the screening berms. They don't have anything in effect for noise of operating or processing equipment. Some companies use strobe lights instead of sound for safety of backup equipment. When it comes to noise and vibration level, the state only regulates blasting.

Ms. Grech asked about mud-tracking as another source of complaint that Mr. Kretsch had indicated in his responses. Mr. Kretsch clarified that it was the dump trucks tracking the mud at the quarry entrances that are sometimes the issue. Ms. Grech asked how far they track the mud. Mr. Kretsch answered within a couple hundred feet, and it usually happens when it is muddy after rain, and they have let things accumulate near the scales. He'll get calls about this, or sometimes he'll notice it when he is doing a reclamation inspection, in which case he can issue a special order for this to be corrected.

Ms. Grech asked what reclamation entails. Mr. Kretsch answered that reclamation is environmental. He is either doing reclamation or safety. If MSHA is doing safety, then all he is doing is reclamation and permitting, unless there is an accident, a complaint, or something for training purposes. Ms. Grech asked if "environmental" included water quality, flora, and fauna. Mr. Kretsch stated it more referred to drainage control structures on the site, including sediment ponds, dust control, and reclamation. Companies are required to perform simultaneous reclamation as they are going along, so they have to reclaim the disturbed land behind them. Ms. Grech asked for clarification. Mr. Kretsch stated that reclamation doesn't necessarily mean bringing the site back to the same condition it was in before mining began. What the state wants to see is that the site has a viable use after the mining operation is complete. It can be agriculture; it can be wildlife; it can be a quarry turned into ponds or lake front properties. There is a lot of grading and seeding and other post-mining land use. For every acre they disturb they have to put up a \$3,000 bond. Then, over five years, if they perform in accord with the regulations, they get the money back. Then they have to put in \$50 per acre into the Minerals Reclamation Fund. If a company goes belly-up, the state would reclaim that mining operation using this fund.

Ms. Grech asked if Virginia Energy performs environmental oversight as far as water quality is concerned, specifying underground water quality and wells. Mr. Kretsch stated that as he

had indicated in one of his responses, if companies mine below the water table, they are required to perform a hydrologic assessment of the area. If the study shows a potential impact to the quality or quantity of a neighbor's water supply, they are required to have a mitigation plan. This usually involves producing another water supply source, such as a drilled well, or to supply them utility/city-supplied water. Ms. Grech asked what if they don't operate below the water table but there is still blasting and other activities with vibrations. She referenced the concerns of one of the earlier speakers, Charlie Newton, who she indicated is our water quality representative. Even operations above the water table could impact water quality. She asked if Virginia Energy addresses that, and Mr. Kretsch answered no. Mr. Smelser asked if during his time at the state, had Mr. Kretsch had any instances where a mining operation had affected the water in an area. Mr. Kretsch answered no. He added that if they are mining below the water table, there are sometimes monitoring wells put in place around the quarry. Regarding quality, he stated that VPDES [Virginia Pollutant Discharge Elimination System] through DEQ will be required at the quarries. It is not just his department that is involved. We're involved in sediment control, drainage control, initial disturbance, and reclamation. If they are discharging it all, they are just making sure that the companies are not polluting the blue line streams or cause offsite issues. VPDES through DEQ requires quarterly samples and things like that, which would check more of the water quality.

Ms. Grech stated that we are home to Luray Caverns. She asked Mr. Kretsch how he sees this being impacted. Mr. Kretsch stated that he couldn't say, but that it is well within the zoning body's rights to require a study. Karst is throughout the valley, but the caverns are obviously a sensitive feature and national landmark. The ordinance might require a ground vibration study based on proximity to the caverns. Ms. Grech asked him to confirm that this was regarding blasting, and Mr. Kretsch confirmed. Ms. Grech asked if the ordinance did not allow blasting, then these concerns related to vibrations would fall to the wayside, as the vibrations related to blasting, and Mr. Kretsch indicated agreement. Chairman Burner asked how many mines would be in operation if they weren't allowed to blast. Mr. Kretsch answered that there are 424 permitted mine sites in the state, and probably a third of them are quarries. Quarries are hard rock, compared to sand and gravel and clay. But even the hard rock like the shale pit we have in Page County doesn't require blasting. He would have to get back to them about a specific number, but it is probably under one hundred that are hard rock operations that require drilling and blasting. These are primarily limestone and granite. It is also site specific.

Ms. Grech asked in his experience, what can be done to mitigate noise for a quarry. Mr. Kretsch stated that some places require maximum allowable dB along the perimeter, including a requirement that the quarry set up a seismograph to monitor this. Ms. Grech asked if the companies would provide that equipment and readings, and Mr. Kretsch answered yes. She asked if trees and berms are effective in mitigating noise. Mr. Kretsch says it is. It takes the noise level down. He also referenced having strobe lights on vehicles at night, which is already being implemented in Northern Virginia to cut down on noise. This assumes operations are even allowed into the evening hours.

Ms. Grech asked if Mr. Kretsch's response regarding mockups of viewsheds referred to the viewshed from the mine out or to the mine, and Mr. Kretsch answered "out to the mine."

Ms. Grech referenced Mr. Kretsch's response regarding protecting the safety of miners from silica. She asked what Mr. Kretsch has seen from other localities as far as how they protect people from dust. She asked if this was setbacks. Mr. Kretsch answered that the operation had

to control it at the source. If his office gets a call about this, they step in. Ms. Grech said that this is not something that they need to be overly-concerned with then, outside of setbacks.

Mr. Adams asked what the smallest quarry was. Mr. Kretsch stated that Page County's shale pit is three acres. It can get really small. It all depends on what the operation is going to be, what it needs for stockpiling and access roads. It can vary from three to hundreds of acres.

Ms. Grech asked when he receives complaints, do they usually come from neighbors/residences. Where do complaints come from? Mr. Kretsch answered that it was primarily neighbors. Ms. Grech asked how far from the site does he hear complaints from neighbors. Mr. Kretsch stated that it is usually subdivisions surrounding the quarries. A lot of the quarries have been there since the 1930s and 1940s. Frazier Quarry in Harrisonburg just hit 100 years. Developments have sometimes grown around some of these quarries. Ms. Grech asked for more specifics, and Mr. Kretsch said in his area it was around 500 feet. Ms. Grech asked if people were still complaining at that distance, and Mr. Kretsch said they can.

Ms. Grech referenced Mr. Kretsch's response to a question, where he stated: "The Virginia Department of Energy has no regulations concerning truck traffic on public roads. Traffic studies and the suitability of existing infrastructure can be made part of a zoning request..." She asked if he would recommend that the county have traffic impact studies independent of VDOT's? Mr. Kretsch answered yes, because VDOT does not have limitations on number of trucks. They have entrance permits, which requires sight lines in both directions. But something regarding number of trucks per day and times of day would have to come from local zoning. Ms. Grech asked if would be too difficult to answer how many trucks would be too many, and Mr. Kretsch stated it would be area-specific.

Ms. Grech asked if there were any other areas that he might recommend we pay attention to that we haven't talked about. Mr. Kretsch said he didn't believe so. The concerns will come out like we heard earlier from the public. He thinks the Planning Commission is doing its due diligence, and it has already researched Rockingham County's and Warren County's ordinances. He noted that inspection reports are always available once it has been permitted and bonded and has its mining license and public hearings.

Ms. Grech asked, should the Zoning Administrator receive a complaint from a neighbor, should that be passed along to Mr. Kretsch. He stated yes. About three or four times a year he gets calls from County Administrators about this. Mr. Adams asked what the process would be if a quarry gets three complaints in one year. Have you ever shut a quarry down, or is it a fine? Mr. Kretsch stated that it was a combination of different things. If he shows up and they are tracking mud onto the road, he would issue a special order and give them so much time to fix it. On the safety side, they can shut down the mine, shut down equipment, shut down parts of the mine. They can issue notices of violation. They can issue closure orders, in which case the mine would have to take it to court to get the closure order lifted.

Mr. Adams asked if it would be up to the county to deal with noise complaints. Mr. Kretsch stated that for equipment and processing, that is correct. Ms. Grech stated that it would be a violation of the special use permit (SUP) and violations at the state level. Mr. Kretsch stated that the state's was only for blasting. More often than not, the neighbors think this is ground vibration when it is really air overpressure. It is similar to lightning storms, which would be around 138 or 140 dB. Communication between the quarry and their neighbors is critical. More often than not, they are used to certain levels of vibration or noise. If it's out of the

norm, they want to hear why. Or if it is a new neighbor, then he gets the call and investigates whether the mine is in compliance with those vibrations and noise levels.

Chairman Burner asked if a quarry wants to do blasting, do they have to notify Virginia Energy first. Mr. Kretsch said no. Chairman Burner asked if we were to institute a rule during the SUP process that quarries had to give 30-day notice to surrounding residents, would it be feasible. Do quarries usually know whether they will blast 30 days in advance, or is it more like 24 hours in advance? Mr. Kretsch stated that normally the mining operations contact all their neighbors with as much advance notice as they can. They have contact lists. Some sites blast three or four times a year, and others do it once a week. He has always promoted the idea that operations should get feedback from neighbors on the blast, such as was it worse at a certain time of day or weather condition. Some counties have zoning where blasting is prohibited during certain times of day, such as when school buses are running in the area.

Ms. Grech stated it seems that most of the regulation of blasting is done by Virginia Energy. She asked if there was anything regarding blasting that can be regulated at the local level besides the times. Mr. Kretsch clarified that if a mine is doing drilling or blasting, the federal agency MSHA is already out there. So, the only time Virginia Energy gets involved with blasting is if there is a complaint or worst-case scenario, fly rock, where rock actually leaves the site. Local regulation of blasting is more about the time of day and direction-of-wind restrictions. He doesn't really see regulations related to how often blasting can occur. Regulations are in place primarily to ensure there isn't going to be structural damage or damage to the geology, or things along those lines.

Ms. Grech stated that we have a lot of land adjacent to the National Park and George Washington National Forest. She asked how quarries impact wildlife, in general. Mr. Kretsch stated that he couldn't say. We have a lot of quarries, especially going down through Stuarts Draft, all along the Blue Ridge Parkway. He hasn't seen any impact studies for this.

Chairman Burner asked Ms. Clatterbuck if a quarry would have to have an erosion and sediment permit. Ms. Clatterbuck stated she thinks it depended on the size. Mr. Kretsch stated that usually if a mining operation wanted to disturb an area, they'll go through the local SUP process. If the local body is comfortable with that activity in that area, they will issue the SUP pending the submittal of an approved reclamation drainage plan from the state. Then Virginia Energy follows up and monitors to make sure they abide by that plan. It is kind of a joint deal. There are a lot of solar farms looking to go in around Grottoes and Weyer's Cave that are similar. As long as it is a mining permit, they are going to inspect and make sure that they are performing reclamation, which at a minimum will be drainage control. And they have to renew that on an annual basis. They have operations, reclamation, and a drainage plan.

Mr. Hahn asked if an applicant hasn't gone through the SUP process, what does Virginia Energy do besides recommend they do so. Mr. Kretsch says they have no policies or procedures. They just highly recommend that they work with local zoning to make sure the land use is in place. It's a long, arduous process, eight to ten months minimum, going through his department. It is expensive. For them to go through all that and get shut down at the local level doesn't make any sense. Ms. Grech asked if the two processes could take place in parallel, and Mr. Kretsch state that they could.

Chairman Burner asked if there were any other questions. Ms. Grech answered not for Mr. Kretsch. She thanked Mr. Kretsch for coming. He stated that Mr. Hahn and Ms. Clatterbuck have his contact information in case any more questions come up.

Chairman Burner mentioned the weight of the trucks. This is regulated by the state. Unless you have an overload permit, you're regulated at 80,000 lbs. As far as the weight of the gravel trucks on the road, it would be the same. Ms. Grech asked if a lot of our secondary roads can bear that much weight. Mr. Smelser provided an example – they have stopped dump trucks from being able to cross Alma bridge, and they now have to travel along his road, Rt. 650. In order to do that, they had to tar, gravel, and somewhat widened that road to allow for that extra traffic. Ms. Grech asked how one would know not to cross the bridge. Is it incumbent upon the driver? Mr. Smelser said usually signs are posted, and when there is a change they'll send information out to places like quarries. Ms. Grech stated that she thinks if we have an application for a quarry, we should make sure the roads are adequate. Chairman Burner said that having a traffic impact study takes the burden off of us as to whether the roads are adequate or not.

Ms. Grech mentioned to Mr. Hahn that the document he produced does not mention setbacks required by neighboring counties. Mr. Hahn stated that he would add this for the next meeting.

Mr. Hahn asked Mr. Kretsch if the state requires notifying neighbors of blasting, or is that something the locality would have to put in its ordinance if it wanted to require it. Mr. Kretsch stated that the locality would have to do that, because right now it is voluntary - the state doesn't require it. It is just a recommended practice. Ms. Grech stated that when he had previously said that neighbors within one thousand feet would be contacted, that is not mandatory, that's just optional. So, if we wanted to make it mandatory, we would have to put that in our ordinance. There was more discussion, and it was clarified that contacting the neighbors within one thousand feet was part of the application process, and Mr. Hahn's question was in reference to individual blasting events. Ms. Grech asked if the public hearing for neighbors within one thousand feet during the application process was mandatory. Mr. Kretsch answered that if there was an inquiry or concern or request for more information from a neighbor, it would call for the public hearing. Ms. Grech stated that this is quite independent of the public hearing that the Planning Commission would have regarding an SUP. Mr. Kretsch stated yes, adding that normally the local process is done before the state process. If the locality isn't going to allow it, why bother going through the state.

Ms. Grech asked how are most of these quarries zoned. Are they zoned Industrial or Agricultural. Mr. Kretsch stated Ag. They're usually in remote areas. Ms. Grech stated that presumably they wouldn't be located on prime farmland. Mr. Kretsch stated that the soil doesn't really matter. Chairman Burner stated that the rock is where the rock is – you can't really do much about that. Ms. Grech stated that her concern was more that if the primary source of income is Agricultural, there might be a conflict between farmland and mining. Mr. Kretsch added that a lot of them are reclaimed for farmland. He stated it might be beneficial to look at what our geology looks like. They have another division that looks at the potential for mining and blasting in certain locations, and localities sometimes take that into account. Ms. Grech asked him if blasting is usually required for sand and gravel, and Mr. Kretsch said it is not usually required for shale, sand, or gravel. He mentioned that a couple years ago, he was called to look at a potential mining of a limestone highwall near Arrowhead Lake. They discussed it and determined it just wasn't going to happen, due to safety concerns. He

mentioned he might also be able to provide the operations, reclamation, and drainage permits for the existing operation. Ms. Grech stated that this would be great.

Chairman Burner asked if the 133 dB for blasting was measured at the closest residence. Mr. Kretsch confirmed, noting that it was the closest residence not owned or leased by the mining company. Chairman Burner asked if it crosses the property boundary at 147 dB and someone decides for whatever reason to build a house near the property line, and it hits their house at 140 dB, if the mine is responsible for making sure blasting stays below 133 dB, even though they were in operation first. Do you take into account when a complaint is filed which one came first? Mr. Kretsch stated that anywhere off the mine site it can't exceed 133 dB. They are just required to monitor at the closest residential structure. They can require the company to monitor in any direction. It doesn't matter if people move in, get closer – they can't exceed that 133 dB anywhere off of the mine site. Ms. Grech asked how the sound travels – is it up or down. Mr. Kretsch said it travels in all directions, but more often up. He added that there are thermal inversions with cloud cover. It depends on many factors. Mining operations don't want to have any air overpressure or ground vibrations. They want the energy staying in the rock, because it is expensive. Ms. Grech asked if the land is flat, will the sound travel more than if it is in a canyon type area. Mr. Kretsch stated that vibration-wise, it will travel farther over flat surfaces. Air overpressure, it will just be straight out. He stated it has to be over 140 dB for there to be damage to windows or drywall. At 133 dB, there isn't any recorded damage to structures. He hasn't seen any structural damage resulting from blasting operations in his 17-plus years, underground or otherwise. Ms. Grech asked if that included wells, and Mr. Kretsch affirmed. Ms. Grech stated that we just want to make sure we preserve our caverns and tourist attractions. Mr. Kretsch departed, leaving staff with mining regulation material.

Mr. Hahn stated that he will add setbacks and zoning district information to the document summarizing localities adjacent to Shenandoah National Park and their quarry policy. He encouraged the Planning Commission members to click the links on the PDF for this document and review these existing ordinances. Chairman Burner said we may need to take in account varying setbacks based on the zoning district and proximity to residential subdivisions. We should also look at reciprocal setbacks to be fair to both sides. Mr. Hahn asked the members if there was anything staff could work on in preparation for the next meeting. Ms. Grech asked him to look at these other jurisdictions and tell us what is good. She referenced Warren County's environmental assessment as an example.

B. Review of Campground Ordinance Draft

Mr. Hahn referenced the redline version of the proposed ordinance, dated 8/2/23, included in the packets. The edits discussed last time have been made, and the comments have been removed. He noted that he sent this same version to the County Attorney, who had no issues with any of the changes except for the definition of "greenbelt." The County Attorney said the definition was fine, but for the purposes of being more specific, he recommended the following change:

Current Draft: "A buffer zone consisting of a strip of land, containing landscaping or other aesthetic site-obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities but not camping units, buildings, roads (except those used for ingress or egress), trails, or recreation areas."

Suggested Change: “A buffer zone consisting of a strip of land, containing landscaping or other aesthetic site-obscuring features, intended to buffer potentially incompatible uses. Greenbelts may include utilities and other underground facilities as well as a designated roadway for purposes of ingress and egress. No camping units, buildings, trails, walking paths, or recreation areas shall be permitted in the Greenbelt.”

Ms. Grech stated this was a great change, and the rest of the Planning Commission indicated agreement. Ms. Grech asked if this was the text we would be taking to public hearing. Mr. Hahn stated that current 8/2/23 draft is what has already been published, so we will need to make that change at the public hearing.

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, as we have some citizens who would like to speak.

Open Citizen Comment Period

1. Paul Otto: He encouraged everybody to move very slowly on the quarry ordinance. Mr. Newton and Ms. Snider made some very pertinent remarks and raised some excellent points. There's a big difference between a three-acre shale pit and a 50-acre hard rock quarry. What we're looking at here is a heretofore untapped economic potential for the county, and it could work out very well. But we want to be careful that we don't sacrifice our groundwater and the health and quality of life of our citizens. He recommended we move slowly and look at everything.
2. Chris Anderson: She expressed agreement with Mr. Otto and the other speakers. We want to be cognizant of the downsides of this. We should require every study possible: air, noise studies, particulate matter studies, geology. She would want to know the depth of the quarry. The ordinance should have as much detail as possible. With blasting, things can go wrong. In August of last year, Highway 522/340N was closed down because of a blast from a nearby quarry. There was rock debris on the road, and lanes were closed in both directions for several hours. So, things can happen. We have karst geology here in the valley, and it is a fragile geological system, with sinkholes, dissolution, underground streams, and caverns. The idea of blasting in that kind of geological formation makes her nervous, because it could have some unforeseen consequences. Next to the slopes, toward the mountains, we have more resistant rock. But then we have slopes. She doesn't know if we want to be considering quarrying where there are slopes, so we may want to not allow quarries if there are slopes of a certain percentage or higher. Next to the mountains are more narrow roads, and VDOT might say trucks can travel them just fine. However, some of the drivers get pretty confident, and if the drivers are third-party contractors, it might lesson the sense of responsibility. She stated that she lives on Farmview Road, and lately there was some kind of activity where dump trucks were hauling soil, and she was a bit nervous coming out of her driveway. Traffic issues need to be considered. There needs to be enough protections in the ordinance to guide this potential land use in the right locations in the county. She thanked the Planning Commission.
3. Charles Newton: He stated he had already said what he needed to say.

Chairman's Report

None

Clerk's Report

Ms. Clatterbuck stated that she had received an SUP application for a campground expansion today, but it still needs agency comments, so it won't come to the Planning Commission right away. She also noted that she has an SUP application for a new event venue coming in the next few weeks.

Adjourn

Mr. Smelser made a motion to adjourn. The motion was seconded by Mr. Adams. The motion passed unanimously. The meeting was adjourned at 8:19 p.m.



Jared Burner, Chairman