

MINUTES  
PAGE COUNTY PLANNING COMMISSION  
September 14, 2021

**Members Present**

Catherine Grech, District 1  
Steve Atkins, District 2  
James Holsinger, District 4

Donnie Middleton, District 2  
Jared Burner, Chairman, District 3  
William Turner, Secretary, District 5

**Members Absent**

Keith Weakley, Vice Chairman, District 3

Gary Huffman, District 4

**Staff Present**

Tracy Clatterbuck  
Kelly Butler  
Josh Hahn

**Call to Order**

Chairman Burner called the September 14, 2021 Page County Planning Commission Regular Meeting to order in the Board of Supervisors 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. Chairman Burner offered the recommendation to wear a face covering during the meeting. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. Keith Weakley and Gary Huffman were noted as absent, all others were present.

**Adoption of Agenda**

Chairman Burner requested that the item under New Business "Tanners Ridge Properties/Board of Supervisors Page County – Special Use Permit" be removed from the agenda. Mr. Turner made a motion to accept the agenda as presented with the exception of the Tanner's Ridge Special Use Permit item. The motion was seconded by Mr. Atkins. The motion passed unanimously 6-0.

**Public Hearing**

**A. Shawn Fitty – Special Use Permit**

Chairman Burner opened up the public hearing and requested Ms. Clatterbuck to deliver the staff report. Ms. Clatterbuck stated that she had received an amended site plan from Racey Engineering that is included in the commissioner's packets that addresses some of the items that were discussed during the introduction. She presented the following staff report:

Shawn Fitty has filed an application for a SUP for a commercial parking facility located at 8164 US Hwy 340, Shenandoah, VA. The parcel is identified by tax map number 87-A-80D, contains 13.843 acres, and is currently split zoned Agriculture (A-1) and Commercial (C-1). The property is improved with an existing 50x100 barn and a 48x50 building. The applicant is proposing to use the current five acres at the frontage of the property as a fenced RV storage lot. Pursuant to § 125-4 of the Page County Zoning Ordinance, commercial parking facilities, is defined as:

*"An area of land designed or used for the parking or storage of more than five motor vehicles or equipment with at least one axle for more than 10 days in a calendar year, where a fee may be charged for the parking or storing of such motor vehicles or equipment. This definition shall exclude junkyards and automobile graveyards as defined in § 125- 4."*

Under § 125-12.D(2) of the Page County Zoning Ordinance, commercial parking facilities are only permitted by special use permit in the Commercial zoning district.

Per James Nicely with VDOT, "The proposed use is not expected to have an adverse effect on the VDOT right of way." Per Herbert Cormier with the Health Department, "This Health Department has no objections to the construction of the proposed RV storage lot." Per James Campbell, Page County Building Official, "no objections."

This property falls within the "Agricultural Protection Tier" and into the designation of "Farmland of Statewide Importance". Chapter 3, Goal 6, Section 6.2 of the Page County Comprehensive Plan states, "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the county." Due to the low impact, the proposed business would not change the character of the property.

As required by the Virginia State Code, adjoining/adjacent landowner notices were sent out. As of the date of this memo, staff has not received any written comments from adjoining/adjacent landowners.

The applicant will be required to maintain a Page County business license which will result in additional tax revenue for Page County.

Ms. Clatterbuck recommended that the Page County Planning Commission recommend approval of the special use permit for Shawn Filtry to operate a commercial parking facility as presented above, with the attached special use permit conditions. She noted that Tyler Austin with Racey Engineering is present to answer questions for the applicant.

Ms. Clatterbuck noted that there were no speakers signed up for the public hearing. Chairman Burner closed the public hearing.

Mr. Austin noted that an aerial image was supplied to the commissioners with a number of parking spaces that provides for 79 parking spaces. The spaces are 12x50. Mr. Austin stated that his clients' request is for no more than those 79 parking spaces. When the engineer gets into the actual design of the site and the access aisles that number of spaces could possibly shrink. An opaque privacy fence is being proposed for the site around the entire parking lot area. Mr. Austin addressed Mr. Turner about his concerns with the failed business operation that had been proposed at the previous rezoning of the property. Mr. Austin discussed this with his client and the business plan did not support this operation when the county tax ordinance was applied. No lighting is proposed for the site. Additional lighting would impede on the adjoining property owners and onto Rt. 340.

Mr. Turner asked for further clarification on the screening that is proposed. Mr. Austin clarified the exact locations of the proposed screening. Mr. Austin proposed that the client may wish to shrink the parking lot area to keep from having to go through a 2<sup>nd</sup> gate at the back of the lot for access to the back of the property. Mrs. Grech asked how tall the fence would be and how tall an average RV is. Mr. Austin confirmed that the fence is proposed to be 8' tall and that an RV may be about 10' tall. With the topography of the lot, the RVs would still be adequately screened. Mrs. Grech stated her concern about the red tape that was shown on the fence in the site plan. Mr. Austin confirmed that is just a sample and does not indicate what the color will be. Most opaque screening is green. Mr. Turner asked what guarantee there was that this business operation would move forward as opposed to the last proposed operation. Mr. Austin stated with the investment the property owners have put towards a site plan and materials, he is fairly confident that it will move forward if approved. The market is there. Racey Engineering is working on five other RV campgrounds across the state. There is definitely a need for storage for RVs. Mrs. Grech

confirmed with Ms. Clatterbuck that the height and color of the privacy screening can be spelled out in the conditions. Mr. Austin asked if there is a certain time frame that the screening has to be installed. Ms. Clatterbuck stated that the timeframe would be outlined in the conditions. Mrs. Grech asked if the SUP application is for the whole acreage of the property or can it be limited to just the five acres that is zoned commercial. Mr. Austin confirmed that the applicant is only requesting the five acres that is zoned commercial to be included in the SUP. Ms. Clatterbuck suggested that this be spelled out in the conditions of the SUP.

Mr. Holsinger asked Mr. Turner if he felt comfortable with the current plan. Mr. Turner stated he does not feel comfortable because they have not taken the initiative to clean up what is already on the property. Chairman Burner asked what the plans were if any of the RVs has an oil leak, septic leak, etc. Chairman Burner acknowledged Ms. Butler to provide suggestions. Ms. Butler stated the stormwater plan is reviewed by a third-party plan reviewer. The site is proposed to have a gravel base which assists with keeping anything like that from leaving the area. She suggested that a condition be added to the SUP to address leaks and having vehicles winterized and kept in a working condition. Mr. Middleton asked Ms. Clatterbuck about signage. Ms. Clatterbuck stated that if it would be, it would need to comply with the sign ordinance.

Mrs. Grech asked if these conditions should be written out now or tabled and brought back after the conditions are updated. Ms. Clatterbuck stated they can take the time to do it now if they want to take action on it tonight or they can table it. Mr. Austin respectfully requested that the conditions be worked out and action taken. Ms. Clatterbuck directed the commissioner's attention to number four of the conditions. Number four was amended to address leaks or spills and winterizing the vehicles. Ms. Clatterbuck suggested making the first sentence of number four as a separate condition outlining what the fenced in area contains. Mr. Turner asked who would be enforcing the conditions of the SUP. Ms. Clatterbuck stated the zoning administrator. Mrs. Grech said the condition requirements addressing the RVs should be passed on to the lessee in the lease agreement. Mr. Middleton expressed concerns about out of state licensed vehicles. Mrs. Grech suggested adding "as required by law" to number four. Mr. Holsinger stated he would prefer that the entire five acres be fenced. Mr. Austin suggested he would be ok with the conditions stating screening required around the parking area as shown on the site plan dated 9/9/21. The fencing requirement was added to the conditions, along with the type and color of fencing. The five-acre commercial area limit was added to number one of the conditions. A condition was added requiring the lease agreement to include a statement addressing all items in number five (previously number four) regarding proper maintenance and winterization of the vehicles.

Chairman Burner asked if there were any further questions or concerns. There were none. Mr. Holsinger made a motion to accept the conditions as presented and send this SUP application on to the Board of Supervisors. Mr. Atkins seconded the motion. The motion passed 5-1, with Mr. Turner dissenting.

#### Citizen Comments on Agenda Items

None

#### New Business

None

#### Unfinished Business

##### A. IBR Rezoning Application Update

At the Planning Commission meeting on August 24, 2021, by way of motion, the commission agreed to a joint public hearing with the Board of Supervisors on September 28, 2021.

On September 7, 2021, Ms. Clatterbuck introduced the application to the Board of Supervisors requesting they schedule a joint public hearing on September 28, 2021. At that meeting, they did not have a quorum present so no action could be taken on the application.

With that being said, Ms. Clatterbuck is now requesting that the Planning Commission continue with their public hearing at the September 28, 2021 work session. There will be no joint public hearing on this application. If the commission agrees with the suggestion, staff is requesting that it be put into motion, so that appropriate notice can be given to the public.

Mr. Holsinger amended his original motion as it would not be a joint public hearing. Mr. Holsinger made a new motion to have a public hearing for this rezoning application with the Planning Commission on September 28, 2021. Mr. Turner seconded the motion. The motion passed unanimously.

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

Chairman Burner requested for Kelly Butler, Floodplain Administrator, to present her red-lined version of the proposed floodplain ordinance draft that was provided by the Berkley Group. Ms. Butler reviewed her red-lined version of the draft ordinance. She emphasized that the items that she added back in to the draft were included in the model ordinance and felt them important to be included. No changes have been suggested that are more restrictive than state code or FEMA requires. Referring to the change suggested in Section 4.1, Mrs. Grech asked when is a floodplain development permit required in addition to a zoning permit. Ms. Butler stated that historically the county has issued a zoning permit that covers floodplain development. She has already been issuing floodplain development permits separately since becoming the floodplain administrator. If the floodplain ordinance becomes a stand-alone ordinance as requested it would be issued in addition to a zoning permit. Ms. Clatterbuck added that sometimes development requires a floodplain development permit and not require a zoning permit. Ms. Butler added that currently there is no fee associated with the floodplain development permit. She also added that there are some jurisdictions that specifically address small developments that would be considered compliant and would not require a floodplain development permit. Mr. Holsinger asked if Ms. Butler had received any inquiries as to what changes are being proposed to the floodplain ordinance. Ms. Butler confirmed that she had not received any inquiries. Mr. Holsinger asked for clarification on the freeboard requirements which is now set at 12 inches. He then asked her to confirm that she is essentially recommending no change to that freeboard requirement. Ms. Butler agreed she is not recommending a change to that requirement. Chairman Burner asked again if Ms. Butler would want to have a section addressing small projects considered compliant with flood zone requirements. Ms. Butler stated that would be helpful for enforcement of the code. Chairman Burner and staff suggested that there be a policy document referenced in the ordinance so that this document could be updated as needed and allowed by FEMA, rather than listing the small projects in the ordinance. Mrs. Grech suggested changing "tentative subdivision plat" to "preliminary site plan" to stay consistent. Ms. Clatterbuck asked for clarification as to the process after submitting for review to DCR/FEMA and if the public hearing for this would line up with the public hearings for the rest of the ordinance. Ms. Butler stated that she doesn't for see that happening. She will be sending the draft to DCR as soon as possible. Ms. Grech asked if it would be going to FEMA prior to going to the Board of Supervisors. Ms. Butler stated that it would. After it comes back from DCR/FEMA, then it would go to public hearing. Mr. Middleton asked if the towns are regulated by FEMA as well. Ms. Butler explained that the towns all have their own floodplain ordinance. She cannot enforce their ordinance. When it comes to construction, she offers advice and direction to the building official as it is enforced by the building code.

Mr. Holsinger stated that he thinks it should go ahead and be voted on tonight to have it move onto DCR/FEMA review as that process could take longer than we anticipate. And DCR/FEMA could require some additional steps in this process. Mr. Holsinger made a motion to send the floodplain draft ordinance

with changes requested by the commission to DCR/FEMA for their review. Mr. Atkins seconded the motion. The motion passed unanimously, 6-0.

Chairman Burner announced that county administration has asked to have a conference call with the Berkley Group. They have asked for representation from the planning commission. As of now, that will be Cathy Grech and Keith Weakley. If Mr. Weakley isn't able to make it then Chairman Burner will step in in Mr. Weakley's place. Chairman Burner asked for input from the commissioners about what they would like to discuss for that call. Ms. Clatterbuck suggested based on direction from Chairman Burner, Mr. Weakley, and Mrs. Grech that she tell administration to schedule the meeting and the commissioners will work it out with their schedules. Mr. Holsinger offered that the "Right to Farm" be kept in mind. Secondly, the changes that need to be made to the subdivision ordinance. And third, creation of new zones, specifically to increase the number of agriculture zones. Fourth, is doing away with the delay and substituting the sliding scale. Mr. Atkins expressed concerns about the sliding scale. Chairman Burner asked the commissioners how they felt about the Berkley Group's presentation style, quality of work, etc. Mr. Atkins felt that not providing the definitions up front put them at a disadvantage. Mr. Middleton felt we should be directing them on what it is we want as a county, not the other way around. Chairman Burner stated that he would like to have seen more data behind the decisions that they made. Also, things that were asked to be changed were added to the comment tracker but have not been updated in the final draft. Mrs. Grech stated that she felt the joint meetings were a waste of time and that time could have been spent more productive in conversations with the Berkley Group directly and then taken to the Board. She also felt that often when she was reading materials provided that it was more suited for a suburban county, rather than our county. She agreed with other commissioners in the lack of timely corrections to the draft. Mr. Holsinger stated that the county should not have to pay for the corrections. Chairman Burner stated issues addressing content and performance would be discussed. Ms. Clatterbuck agreed that part of the problem was the way the process was handled. She stated they should've gotten the definitions when they got the use matrix. They shouldn't have come at the end. They should've gotten the draft before they had so many joint sessions.

Chairman Burner requested for Josh Hahn, GIS Coordinator, to supply the information he had gathered regarding parcel breakdown by zoning district and acreage range and percentage developable property by acreage range. Mr. Hahn provided materials to the commission. The front page titled "Agriculture, Woodland Conservation and Parks-Recreation Zoned Parcel Counts by Acreage Ranges" gives acreage ranges that are more reflective of the zoning ordinance draft. On page two, Mr. Hahn provided, per Mrs. Grech's request, "Percentage Developable Property by Acreage Ranges." This table shows proposed sliding-scale ranges and values from page 44 of Zoning and Subdivision Ordinance Updated Consolidated Draft dated August 10, 2021 with an added column and a chart that show calculated percentages of lots based on 3-acre maximum lot size of split parcels. Chairman Burner noted from the front page the linear trend from 0-5 acres, from 5-25, then 30 down. This makes sense according to the current ordinance relating to 6-acres and 25-acres. If you consider things discussed around the 6- and 25-acre rules, but yet the bulk of the parcels are 5-acres and below. We can have that discussion, but we still aren't addressing the bulk of the parcels. We have discussed having two agricultural zones, but in reality, it may be more beneficial to have three. This at least emphasizes the need for more than one proposed agriculture zone. Mrs. Grech offers that if we have a logical break at 6 and 25 then we can contemplate looking at 3 agriculture zones. One for parcels less than 6-acres, one for parcels between 6 and 25, and the third for parcels over 25. The first one represents 60% of total parcels, the second one roughly 28%, and then 12% for the rest. Mr. Holsinger offered that we are a better fit for three. Mr. Holsinger asked if you create three would everyone need to rezone or would one of those three be the old agriculture district. Chairman Burner suggested that the 6 and below with a residence that those properties would not be eligible for land use, unless you are in an agricultural and forestal district overlay. Mr. Holsinger asked for clarification from staff that the zoning does not affect land use, but rather the use

and the acreage. We could not say you qualify or don't qualify for land use. Ms. Clatterbuck confirmed and added according the COR and the land use tax program they have never looked at zoning as to whether you qualify or not, which is why they have lots of residential zoned property in the land use program. The zoning ordinance cannot dictate regulations as to can someone qualify for land use or not. She added that it's important for the commission to figure this out and then bring the Commissioner of Revenue in because ultimately if you want them to start looking at what property is zoned then they want regulations on the books from the Board to say going forward to look at zoning. Ms. Grech stated these regulations would be separate from zoning. The Board would have to initiate that. Chairman Burner suggested he understood, but it doesn't make any sense for them to make something that is unenforceable by the COR. But there should be an economic incentive to stay at the 6-acre plus lot. Mr. Holsinger stated that zoning should encourage land use and it does not right now. There was additional discussion to make sure that the zoning ordinance and the comprehensive plan are in accordance to support growth and agree with one another, mostly pertaining to the agricultural zoned properties.

Chairman Burner asked Josh Hahn to provide an interactive map to look at the burgs in the county and also open it up to commercial and industrial zoned properties.

Open Citizen Comment Period

None

Chairman's Report

None

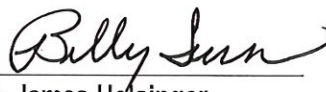
Clerk's Report

Ms. Clatterbuck announced that she had received the new tower application for WHSV. She has not reviewed it to check for completion yet but the commission should expect the application in the near future. We will put Tanner's Ridge/Board of Supervisors county tower back on the agenda when they are ready.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Holsinger made a motion to adjourn. Mr. Middleton seconded the motion. The meeting was adjourned at 9:49 p.m.

  
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Chairman, Jared Burner

  
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Vice Chairman, James Holsinger  
Secretary, Billy Turney