

MINUTES  
PAGE COUNTY PLANNING COMMISSION  
September 28, 2021

Members Present

Catherine Grech, District 1	Donnie Middleton, District 2
Steve Atkins, District 2	Jared Burner, Chairman, District 3
Keith Weakley, Vice Chairman, District 3	James Holsinger, District 4
William Turner, Secretary, District 5	

Members Absent

None

Staff Present

Tracy Clatterbuck	Kelly Butler
Woody Brown	

Call to Order

Chairman Burner called the September 28, 2021 Page County Planning Commission Work Session 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. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. All were present.

Adoption of Agenda

Mr. Turner made a motion to adopt the agenda as presented. Mr. Middleton seconded the motion. The motion passed unanimously 7-0.

Public Hearing

A. **IBR Corporation – Rezoning Application**

Ms. Clatterbuck presented the following staff report:

IBR Corporation has filed an application to rezone property located at 5550 US Hwy BSN 340, Stanley, VA, and further identified by tax map number 72-A-38 which contains 1.15 acres. The property is currently being used as follows:

- #5550 US Hwy BSN 340- Vacant Detached Garage
- #5558 A&B US Hwy BSN 340- Retail & Residential Apartment
- #227 Vista View Road- Single Family Dwelling
- #237 Vista View Road- Single Family Dwelling

IBR Corporation purchased this property in February 2007. Since the zoning ordinance was adopted in 1989, this property has always been zoned as Agriculture. The applicant is requesting to rezone the parcel from Agriculture (A-1) to Commercial (C-1). They would like to lease the existing vacant detached garage to an already established local business that does mobile metal work/welding. The use of the garage would allow them the opportunity to expand their current mobile-only business. Pursuant to § 125-12.B(2) of the Page County Zoning Ordinance, metal working and welding is permitted by-right in the C-1 zoning district.

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

- Virginia Department of Transportation (VDOT) – Per James Craun, “VDOT has no objection to the rezoning as it has no impact to the existing R.O.W.”
- Page County Health Department - Per Herbert Cormier, “This Health Department has no objections to the rezoning proposal for tax parcel # 72-A-38 from Agriculture (A-1) to Commercial (C-1). New proposed business is limited by sewage disposal design of not more than 9 employees.”
- Page County Building Office - Per James Campbell, “No objection.”

The Page County Comprehensive Plan, Volume I, Goal 6 states:

- Policy 6.2: “Encourage economic growth that is compatible with the County’s rural character while generating a positive net cash flow for the County”.
- Policy 6.6: “Promote local employment opportunities.”
- Policy 6.8: “Encourage small business incubators in existing or new buildings in commercially zoned areas.”
- Policy 6.13: “Support and encourage a local skilled labor force needed by local employers.”

Based on the above referenced policies, staff feels the rezoning of this property from Agriculture (A-1) to Commercial (C-1) is appropriate for this area. This property is located directly on 340, about a half a mile from the Town of Stanley limits, and is in the vicinity of already commercially zoned properties.

Also, staff would further note that retail [§ 125-12.B(1)], accessory and/or upstairs apartments [§ 125-12.B(9)], and single family dwellings [§ 125-12.B(13)] are all permitted by right under the C-1 zoning district.

Adjoining/adjacent landowners were notified as required by the Virginia State Code. As of the date of this memo, no written comments have been received. Any comments received will be provided at the public hearing.

Ms. Clatterbuck recommends that the Page County Planning Commission recommend approval to the Board of Supervisors to rezone tax map number 72-A-38 from Agriculture (A-1) to Commercial (C-1).

Chairman Burner opened the public hearing at 7:04 p.m. Ms. Clatterbuck stated that there were no speakers. Chairman Burner closed the public hearing.

Mr. Weakley stated that the structure is being proposed to operate in the same commercial capacity that it has been, so he sees no issue.

Mr. Holsinger made a motion to recommend approval to the Board of Supervisors to rezone tax map number 72-A-38 from Agriculture (A-1) to Commercial (C-1). Mr. Atkins seconded the motion. The motion was passed unanimously.

### New Business

#### **A. Tanners Ridge Properties/Board of Supervisors Page County - Special Use Permit**

Ms. Clatterbuck presented the following staff report:

Board of Supervisors, Page County Virginia has filed an application for a SUP to construct a new 100' monopole tower with antennas located on State Route 682 (Tanners Ridge Road), Stanley, VA. The parcel is identified by tax map number 100-A-11A, contains 1.783 acres, and is zoned as Woodland-Conservation (W-C). The property is improved with numerous existing towers and an existing equipment

shelter. Pursuant to §125-30.3 F(1)(b)[2] (Wireless communications facilities) of the Page County Zoning Ordinance, any new tower in the W-C zoning district requires a SUP.

The applicant reached out to the following departments/agencies for comments:

- Virginia Department of Transportation (VDOT) – Per James Craun, with the Virginia Department of Transportation, the entrance is approved for construction of monopole.
- Health Department - Per Herbert Cormier with the Page County Health Department, their office has no objections to the installation of the proposed monopole tower with antennas and equipment.
- Building Official - Per James Campbell, Page County Building Official, if approved, applicable permits are required prior to construction of the monopole and/or equipment.

Ms. Clatterbuck stated that because this is an application for a telecommunication tower the County will have to do a 2232 Review. This will require two public hearings at each level. The first public hearing is for the 2232 Review to ensure that the application is in compliance with the Comprehensive Plan. The second public hearing will be specifically for the special use permit.

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." Ms. Clatterbuck stated that there is not a lot of land disturbance associated with this project. The land disturbance is mainly related to widening the road.
- 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."

Page County will be responsible for payment of construction, equipment, etc. associated with the new tower. Staff would like to note the importance and necessity of the new tower as it is required to ensure that police, fire, and other emergency services are adequate for serving all citizens and visitors of Page County.

Staff is requesting that the Page County Planning Commission hold a joint public hearing on the above-described special use permit application at the October 19, 2021 Board of Supervisors, Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204. Ms. Clatterbuck stated that if you look in your packet there is a list of draft conditions associated with this special use permit. This is just a draft based on other SUPs issued for towers.

She reviewed the following documents in the application packet: Exhibit 1 shows that Page County does not own the land that the tower will be located on. The land is owned by Tanner's Ridge Properties, LLC. The tower owner would be Page County. L3 Harris is the company that was awarded the contract to

implement the radio system. The contractor that is constructing the tower is Vertical Structures. Exhibit 2 is a copy of the engineered plans for the tower. Woody Brown, Director of Emergency Services, and Mr. Knowles, an engineer with CTA Consultants, are both here should you have any specific questions. Exhibit 3 is a survey of the property and the deed. Exhibit 4 is aerial zoning maps. Exhibit 7 is the information related to Tanner's Ridge Properties, LLC. Exhibit 8 is a copy of the lease agreement between the County and Tanner's Ridge Properties, LLC. Exhibit 9 is references and team information for L3 Harris. Exhibit 10 is the resume for Vertical Structures. Exhibit 11 is Vertical Structures' state contractor's license. Exhibit 12 and 13 are resumes for AMK Services and for Nokia. Exhibit 14 is the DPOR licensing information for the engineer that stamped the engineered drawings. Exhibit 15 is the county code section pertaining to wireless communication facilities. Exhibit 16 speaks to state code and the 2232 review. Exhibit 17 is samples of other SUPs that have been issued for this type of project. Exhibit 19 is the geotechnical report that is required per the county code. Exhibit 20 is the structural design report. Exhibit 21 is information on the microwave system. Exhibit 22 is the proof of insurance coverage for the monopole.

Mr. Holsinger asked if staff has an estimate on the life span of the tower. Mr. Knowles stated 25+ years.

Ms. Clatterbuck directed the Commission's attention to the inside front pocket of the binder to an email from Mr. Helm, the county attorney, related to the collocating and exactly what that meant based on how the code is written. Mr. Helm stated that code does not speak to the design of the tower specifically, the applicant has to allow someone to collocate provided there is space. If you go back to Exhibit 2, there is a memo from CTA Consultants speaking to what the capacity of the tower with all of the regular equipment. The tower is at 82% capacity with all of the proposed equipment. Mr. Weakley stated that made zero sense; without a capacity to collocate, you cannot collocate. Mr. Burner asked how many possible collocations are possible on this tower. Mrs. Grech asked for an explanation of what the antennas are that are being proposed and how many are collocations. Mr. Brown stated that all the antennas that you see on the plans are for the County's radio system. No other agency's antennas are shown on the tower plans. Mr. Brown explained what the different antennas are. Anywhere you don't see an antenna is a possible location for a collocation. Mr. Brown stated that the possibility to collocate is based on the cabling weight of the antenna and potential interference. The exact number isn't really a question that he can answer. The tower at Big Mountain would hold equipment for the County space-wise, but not weight-wise. There are ways to structurally modify the tower to allow the County to use the space. Mrs. Grech asked again how many collocations are there now on the drawing. Mr. Brown stated that right now there is only one agency that is locating on this tower, the County. Mrs. Grech stated the code reads "the holder of a permit for a tower shall allow collocation for at least seven additional users..." Chairman Burner stated the definition of collocation according to county code reads "the location of more than one antenna or set of antennas of more than one government or commercial wireless communications service provider on the same tower structure."

Mr. Middleton stated the ice issue on Tanner's Ridge needs to be considered. Mr. Brown stated that the ice factor is taken into consideration with the installation of an ice bridge.

Mr. Weakley is concerned that the design as shown is at 82% capacity. Mr. Weakley asked if the remaining capacity is enough to support seven additional co-locators. It seems like a very low margin. Mr. Knowles stated it is dependent on their technology and the antennas they use. He could not say specifically that it would handle seven additional collocations. Mr. Weakley asked what is the additional dead load that is considered. Mr. Knowles stated he does not have that information. The tower is designed as a Class III public safety grade tower, which is structurally greater than what you would find with a commercial tower. Mr. Brown stated that when the tower was originally designed the antenna that you see on the bottom was not included. That antenna was added a little later after an unfortunate incident in

Stanley. Cell phones were overloaded because of all the activity. The antenna that you see on the bottom with the cabling was added after that.

Chairman Burner asked for clarification that this was not a collapsible monopole. Mr. Brown stated that it is not. Chairman Burner asked why a collapsible monopole was not considered so that it could be taller and provide more space for collocations. Mr. Brown stated that the height of the tower could not be over 100 feet, with the exception of the five-foot lightning rod. That height was set by the property owner when he subdivided off the 1.75 acres for Tanner's Ridge Properties, LLC. That was part of their purchase agreement.

Mrs. Grech asked staff if we are expecting another tower application at this location from High-Speed Link. If so, how are you going to put so many towers in such a little space. Mr. Brown said he cannot comment on what High-Speed Link does. Ms. Clatterbuck stated that we have received three new special use permit applications from High-Speed Link. The applications are not complete, so they have not been introduced to the commission. One of the applications is a proposed location for this site on Tanner's Ridge. Mr. Weakley asked if it was for a tower or a collocation. Staff confirmed it is for a tower. Mr. Weakley asked if there is a requirement for spacing between towers. Ms. Clatterbuck stated there is not, only distance from property lines is required.

Mr. Turner asked if there would be cables coming off the tower. Mr. Brown confirmed that there are no cables.

Chairman Burner asked if it would be painted with a non-reflective galvanized paint. Mr. Brown confirmed and that requirement is in the lease agreement as well. The building on the lot has to be painted as well. Mr. Brown confirmed that the tower is galvanized.

Mr. Holsinger asked that everyone look at their schedules for a joint public hearing on October 19<sup>th</sup>. Mr. Weakley asked if we are going forward with the joint public hearing. Chairman Burner suggested that because the county is the applicant that the planning commission should take the time to fully vet the process at their own public hearing before passing it on, but he is open to recommendations. Mr. Holsinger asked that if there is a separate public hearing how many public hearings will there be. Ms. Clatterbuck said there are two, but you have to do them back-to-back. Mrs. Grech stated that this is a totally different subject matter than a home occupation SUP. This is a complicated subject. She does not feel comfortable proceeding to public hearing on this application. Ms. Clatterbuck stated that if the Commission is going to send this to public hearing on the 19<sup>th</sup> she will need to know that tonight in order to get the packet information to administration.

Mr. Atkins and Mr. Middleton stated that they would not be present at the 19<sup>th</sup> meeting. Mrs. Grech stated she has a reluctance to set a precedent for too many joint public hearings. It deprives the citizens of opportunities to speak and would prefer separate public hearings for any SUP that comes in front of the Commission. While she understands this is for emergency services, it has been two years in the making; she believes that they need to respect the process and not set a precedent.

Chairman Burner stated that he would not be present on the 19<sup>th</sup> either. Therefore, a quorum for a joint public hearing would not be present. Chairman Burner stated that it could be set for a regular public hearing on October 12<sup>th</sup>. Ms. Clatterbuck stated that she would need to know that for certain tonight because the ad would have to go in tomorrow.

Mr. Holsinger made a motion for the Tanner's Ridge Properties, LLC/Page County Board of Supervisors Special Use Permit Application to be set for public hearing on October 12, 2021. Mr. Turner seconded the motion. The vote passed 6-1, with Mrs. Grech dissenting.

Ms. Clatterbuck asked if there is any other information that needs to be provided by the applicant before the public hearing. Mr. Holsinger asked them to consider if the 50-year SUP term is reasonable or unreasonable. Mrs. Grech wants it clarified the number of collocations that will be provided in order to fulfill the obligation to be in compliance with the code. Mr. Weakley stated he disagreed with Mr. Helm's opinion. You can't have the ability to have collocations without the structural capacity there. He would like to know the assumptions that were used to allow for the additional collocations. We need to know if a reasonable assumption was used by the designers.

#### Unfinished Business

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

Chairman Burner asked if there was anything in particular that anyone wanted to discuss. Mr. Weakley stated that Mrs. Grech and he had a conference call with the CEO of the Berkley Group, the Director of Planning of the Berkley Group, Regina Miller, and Tracy Clatterbuck. It was very blunt. The Berkley Group is going to go back, with Darla Orr, and do a quality control review of the draft that was submitted to the Commission. Mrs. Grech stated they tried to get the point across to them that the solutions that they had presented were not for Page County. Ms. Clatterbuck stated that after the conference call she received an email stating the Berkley Group is hoping to have this review completed by the October 12<sup>th</sup> meeting. Chairman Burner stated this document is not ready to take before the public, but it does need to happen at some point. Mr. Weakley stated that we have to be able to explain the proposed ordinance to the Board and to constituents.

Mr. Holsinger stated that non-conforming lots and the amount that may be created by this ordinance change needs to be considered.

#### Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Weakley made a motion to adjourn. Mr. Atkins seconded the motion. The meeting was adjourned at 8:08 p.m.

  
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Chairman, Jared Burner

  
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Vice Chairman, Keith Weakley