

MINUTES
PAGE COUNTY PLANNING COMMISSION
January 10, 2023

Members Present

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

Members Absent

None

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Jared Burner called the January 10, 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 7:02 p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*. Chairman Burner reminded all commissioners and speakers to please turn on and/or speak into the microphones. Ms. Clatterbuck conducted an attendance roll call.

Adoption of Agenda

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

Citizen Comments on Agenda Items

David Reed- Mr. Reed stated his comments were related to an item under unfinished business and he would prefer to hold his comments until that time.

Ken Jemelity- Mr. Jemelity noted that the Economic Development Authority (EDA) owns 59 acres and wants to downzone it from agriculture to industrial. However, he has heard the EDA representatives and several county staff comment on the lack of industrial land in Page County as the reason that no manufacturing comes here. If this parcel is rezoned to ag, he feels there should be a stipulation attached prohibiting further division and/or development or perhaps build some of that affordable housing that is lacking in this county with proper infrastructure.

Beth Snider- Ms. Snider explained that when she heard about the rezoning applications, she looked into when it was purchased for seven and a half million dollars. It seems like the whole deal was sketchy from the beginning with the apparent default on the loan. Then, 75% of it was reclaimed by the original owner. The county has cycled through several employees but she never did find the answer to how much money was actually paid out for that property. There are interesting articles and it seemed there was some behind the scenes going on. Ms. Snider noted that six months of the EDA meeting minutes were uploaded to the county website one day in November. In the EDA minutes of May 2022, a motion was made to rezone the property to residential, and the motion was not seconded, so it failed. The next motion was to rezone to agriculture which passed. So, she put in some freedom of information (FOIA) requests. In looking at the paperwork that she has received from that request, they want to make eight lots that look like a subdivision that poses some questions that hopefully will be answered tonight. Why take that out of industrial when it is slated for industrial. Isn't there some kind of use related to industrial or commercial that could be done in that area? Is the EDA going to develop that land or sell it to a developer? With the obvious problems related to affordable housing here, why not make it a subdivision, rather than ag property, to be used for aging community or someone else. If it is going to be put back in

ag land, why subdivide it up? Why not sell it all together for farmland? She heard the EDA representative speak about their thinking, their feeling, etc. but where are the studies? Is this the thing that makes the most sense for this parcel? She also saw that the Town of Stanley is putting a well there and SVEC too. Is this in their growth tier, and if so, how does that impact everything. If the goal is to make a residential subdivision, then why not rezone to residential? Is this the way to get around the requirements of having an actual subdivision, and if that is the case, why aren't they going through proper procedures for having a real subdivision? Will this open up the county to other people coming in buying large tracts of land and making it an unofficial subdivision?

Chris Anderson- Ms. Anderson stated regarding the zoning ordinance amendment to the industrial zoning district discussion, that seems to be a good idea. Page County is a HUB Zone which is a historically underutilized business zone, which is a way for small businesses to get federal contracts. The federal government has a goal of three percent of all government contracts going to HUB zone companies located in the special designated areas. For the industrial land that we have, we should continue to promote the HUB zones and draw businesses here that employs local people. We have about 25-30 HUB zone businesses so that represents income coming into the county and employing local people.

New Business

A. Review and discuss proposed Planning Commission Budget for FY2024

Ms. Clatterbuck provided a copy of the proposed draft Planning Commission budget for FY2023. She noted the request has not changed from last fiscal year. We are still budgeted for ten members. For the fiscal year that ended, we had money left over in conferences and education. The Certified Planning Commissioner Program has a course coming up. Documentation was provided to those that have not taken the course. If anyone is interested in signing up for it, please let staff know. As a reminder, the course is paid by the county along with associated travel fees and lodging.

Ms. Grech asked if one would like to attend a conference through the American Planning Association, if the amount under conferences and education would allow for that. Ms. Clatterbuck replied that what is budgeted there is simply for the certified planning commissioner course. Ms. Grech asked that since we do not have ten commissioners at this time, of the money that would be assigned in that line item, could it be used for other members that may want to attend other trainings. Ms. Clatterbuck replied that she didn't think there would be an issue with that. She also noted that she would say the same thing to the commission that she says to her co-workers in her department, and that is that it never looks good that we don't use the funds set aside for training. Ms. Grech noted she has been asked by supervisors who has the training and who doesn't. She encouraged those that didn't have it, to consider taking the course.

Chairman Burner stated if they wanted to hire a consultant for something, there was no money in the commission budget for that, correct? Ms. Clatterbuck confirmed noting she has never budgeted for that in the past and she would need to have a conversation with administration should that be a request.

Ms. Grech stated she understood that the update of the Comprehensive Plan is coming due and Ms. Clatterbuck confirmed noting that Mr. Hahn would be handling that project. Ms. Grech noted that state law mandates the commission to conduct studies so how will we pay for that? Does that come out of the general budget? If the commission would see fit to invite a consultant such as the county attorney, to help with some of the issues they see in advance of going to the BOS, that would be very helpful. Whose budget would that come from? Ms. Clatterbuck noted it would not be out of the proposed budget that is before them. Ms. Grech suggested staff verify that because she doesn't want to be put in the position where they are told they can't do it because there is no money in the commission budget to do that.

Mr. Turner made a recommendation to approve the budget request as presented. The motion was seconded by Mr. Smelser. The motion passed unanimously (5-0).

B. Review and discuss the Industrial Zoning District

Ms. Clatterbuck presented a proposed draft amendment to the industrial zoning district. A copy of the draft was provided in the packets.

There was discussion amongst the commission regarding being able to sell the products onsite where it is manufactured.

Ms. Clatterbuck questioned by adding intensive agriculture to the industrial zone, she wondered whether they would be interested in adding in to the ag zone as well. Chairman Burner stated it could be added to the ag district but he felt it should be by special use permit because it is more of a commercial processing. He noted that is how the Berkley Group proposed it as well in their draft. Ms. Clatterbuck also questioned whether the setbacks would be different in the intensive ag use. Chairman Burner stated he felt they should be the same. If the risk is dust, noise, air pollutants, etc. he didn't think that was generalized just to an intensive ag operation. If someone like Merck came to the county, he would be more concerned with the pharmaceutical discharge then something like intensive ag. Mr. Turner asked if you would want to be that close to that operation. Chairman Burner asked him to explain why he wouldn't want to be. What would make them different then anyone else?

Ms. Grech stated she was having trouble following the conversation. She wanted to know if the intensive ag use and meat product amendments were related? What is the rationale behind these proposed amendments? She also stated she felt meat products and protein products needed to be defined. She questioned what applications were these rules proposed to address? Chairman Burner pointed out that in the industrial district now, it spells out poultry and poultry products and there are no other species classified. What about a beef, pork, or lamb processing plant? They wouldn't be allowed at all in our zoning ordinance as written. The proposed term meat encompasses those other species besides poultry. Ms. Grech stated she understood that now, but questioned what that had to do with intensive agriculture. Chairman Burner replied that was two separate issues. Ms. Clatterbuck pointed out that intensive ag could cover hemp in her opinion. She noted that her office has received many calls about that in the last year. Chairman Burner agreed that would be an intensive ag use. Basically, that is encompassing for an ag product that we may not have specifically spelled out. Ms. Grech asked how growing hemp was any different than what farmers grow now. How does that suddenly become intensive ag when other products are not? Chairman Burner pointed out that growing it is one phase. Processing, storage, and transformation of the product is the second phase. That is what intensive ag is talking about. Anything that is crop or animal that needs transformation. Chairman Burner noted that if someone from outside of the county has products and you have the processing facility here, you also give an opportunity to producers if they choose to take advantage to grow that product in house. Ms. Grech thanked him for the explanation as it clarified her understanding. She noted she finds it interesting that in the definition it addresses all the impacts in which she has never seen any definition in the zoning ordinance that does that. Ms. Grech stated she had concerns over the proposed language that allowed the retail sale of the product onsite. Chairman Burner noted it was already happening in other counties. Ms. Clatterbuck pointed out that the Wrangler Plant had or has a retail space onsite already.

Chairman Burner asked if the commission wanted to schedule a public hearing for this amendment. Ms. Grech stated she felt they needed some definitions and would like to think about the setbacks. Chairman Burner asked when the earliest public hearing date could be and Ms. Clatterbuck replied February 14, 2023. Mr. Smelser made a motion to send the proposed amendment to public hearing

at the February 14th meeting. The motion was seconded by Mr. Turner. The motion passed 4-0 with Ms. Grech choosing to abstain until she saw further information.

Unfinished Business

A. Zoning Ordinance Amendment- Riding Stables and Academies

Ms. Clatterbuck reminded the commission this was discussed at the last commission meeting. At that meeting, the commission requested she bring a proposed draft amendment to review. A copy of that has been provided in the packets. She proceeded to review the proposed amendments with the commission.

Mr. Turner stated he felt this use should be added into the other districts. A lot of people have expressed interest. Chairman Burner stated the only thought he had was when does it become like a wedding venue that is considered commercial activity. Ms. Grech stated she didn't see any problems either. Chairman Burner stated he felt under the supplemental regulations, they should strike the notarized consent again to keep it consistent with other uses. He also questioned how events would come into play with this use. Ms. Clatterbuck recommended that be addressed in the special use permit. Chairman Burner also noted the hours of operation was listed under the supplemental regulations. He felt that should also be addressed in the special use permit. Ms. Grech suggested they consider striking the supplemental regulation section and allow the special use permit to address those items. Chairman Burner stated he would like to see some of those stay such as setbacks and waste disposal. Ms. Grech agreed. There was some discussion about events at the facility and how that could be addressed through the special use permit.

Ms. Clatterbuck requested they consider scheduling the public hearing on February 14, 2023. She did have to send it to legal for review as well. Mr. Turner made a motion to schedule the proposed amendment related to riding stables and academies to public hearing on February 14, 2023. The motion was seconded by Mr. Smelser. The motion passed unanimously (5-0).

B. Rebecca Graves Hudson- Rezoning Application

Ms. Clatterbuck noted that Mr. Janney was unavailable to attend the meeting tonight. Any questions that the commissioners may have can be emailed to staff and staff will forward to him.

Ms. Grech stated she had some questions for Mr. Hahn regarding the maps he generated regarding the growth tiers but since he was absent, she would hold her questions for him.

C. Economic Development Authority of Page County, Virginia- Rezoning Application

Ms. Clatterbuck pointed out that the applicant had provided a narrative as requested in which a copy was provided to the commission. She concluded by noting that Mr. Reed was present for any questions.

Mr. Reed noted that Mrs. Nina Long Fox was also available for questions. His client is requesting that the application be scheduled for public hearing at the next available meeting.

Ms. Grech noted that when she asked for a narrative, they received a response from Mrs. Fox yesterday and she would like her to expand on the narrative. Mrs. Fox replied stating she would start at the beginning for this property. Ms. Grech noted that the two rezoning applications came to them concurrently for the land that was previously upzoned from ag to industrial in 2009. She requested a narrative and background information from both applicants for the sake of fairness. Mr. Janney provided the commission with a narrative upon submission of the application and she thought it was only fair that the commission get the same thing for this application. She also asked for additional information which Mr. Janney presented back at the December meeting. He did what you are doing now in providing them with a background. Ms. Grech stated they are trying to figure out why the rezoning request. Downzonings are not to be taken lightly.

Mrs. Fox noted that at the time the EDA decided to move forward with the request for downzoning, they had no knowledge of Mr. Janney's request on behalf of his client. That is coincidental. When she first came on board with the county, within the first few months of her position, she invited representatives from the VA Economic Development Partnership which is their economic development group at the state level, as well as their regional representative, Shenandoah Valley Partnerships, to do an evaluation of all of their sites. At that time, it was evident that some of the properties the EDA hold do contain industrial components like the property owned near the Anderson Door Company. This particular property they are seeking the rezoning for, over and over again they heard from the representatives, why do you have this property zoned industrial because it doesn't meet any or most of the criteria for large scale industrial such as rail, water, public sewer, phase III power, natural gas, and proximity to a workforce. That property does not offer that. Knowing that, it has been very hard to leverage that property. They can't even propose this site because the property doesn't meet those qualifications. So, the theory and thought behind that was let's sell it and purchase property that can be used for that, and put them in a better position in the future to bid some of these proposals for requests for information they are fed from the state. The next step was then to talk to the BOS. The EDA is a separate entity. It is not under the umbrella of administration. She explained that she is a county employee but she serves as the clerk for the EDA. The land was gifted from the BOS to the EDA so out of respect and due diligence, they wanted to see if the BOS would be okay with them selling the property. She proposed that at the Retreat with the BOS, and the sentiment was they didn't mind if they sell it, but they have to sell it for what they purchased the property for, which was one million dollars. Originally, it was a much larger tract which was the whole Hudson property for 7.5 million. The county did default and only ended up acquiring the land they currently have for a million dollars. Based on the market trends and some research and analysis based on property values, the only feasible way to get back the one million dollars in hopes to purchase other land in the future that will be more appropriate for industrial use, this is the only way to do it to get to that price. If they sell it as one lump sum for ag land, it will not yield that per acre. Basically, tying them to the land longer with no real industrial use. Mrs. Fox asked if that answered their questions and Mr. Turner replied that it did for him.

Chairman Burner asked what does the site have and Mrs. Fox replied that it had water. The gallons per day is not equivalent to what you need for industrial manufacturing. It is for residential use. The Town of Stanley has had an agreement in place for at least five years that they were supposed to be utilizing that well. As of last year, basically the terms were that they were not going to extend it anymore until you start doing work to tap into it, and none of the work has been done at this point.

Chairman Burner stated they were proposing a drastic change. He understands her point in saying it is not suited for industrial. Was there every any talk about any other zones to get the best utilization of the land. Was it ever discussed? Were there feasibility studies done? Mrs. Fox stated that no official studies have been done. Conversations with state and regional representatives were had. If you downzone this to commercial, for example, they've gotten plenty of phone calls about people wanting to put mini storage units there. This is some of the most beautiful, prime, scenic lands in Page County with a lot of beautiful residences on that stretch and she isn't sure that commercial zoning would be an appropriate fit there. The reason for ag zoning really comes down to two things. She has been told since she come on board that we don't like spot zoning. If you look at all of the property surrounding that, it is ag. Agriculture seems to be the most reasonable solution. Residential is another option but the reality is if it is zoned to residential and they have to do a Class A or B subdivision. At that point, the cost that is going to be put on a developer will never generate the one million dollars and they are stuck with property they cannot market. Chairman Burner asked if they had ever done an appraisal or analysis if you did develop it into residential. Any calculations or numbers? We always hear that it is too expensive to put in a

subdivision but not one person can show what the cost is. Is it the roads, water, what? Mr. Reed responded that part of the expense in a subdivision is the road standards. Bringing roads to VDOT standards and turning them over to them is extremely expensive. Just building the road, bonding, etc. for that higher density residential zones. You also have some of the standards related to on or off site for water and sewer and it puts the clients through a potential conversation that requires additional requirements such as heightened survey requirements, open space requirements, etc. It is a much higher standard rightfully so because of the design would be to put in a much higher density of residences per acre. To convert it to residential, not only do you have the burden of the expense issue, you also have all other expenses associated with trying to get it approved. Then, selling lots off of it and actually building the sites which gets costly which will influence what size house you can build, etc. Mrs. Fox also noted or the likelihood to sell it given the typical market in our area. One of the other things important to note is the road requirements. This is not a state mandated requirement. This is a local requirement that the county implemented to meet the state requirement. Not all localities have this as part of the requirements for subdivisions. This is a very burdensome process. Chairman Burner noted that the property already had an existing 50-foot right-of-way that is turned over to VDOT that leads onto the property right now. Mr. Reed noted there was some existing access but it would have to be expanded and upgraded to provide that kind of road standard in a subdivision. You have the issue of the spot zoning argument trying to go to a residential zone because the property is surrounded by ag for the most part. Chairman Burner noted looking at the map, there are two other residential areas within the vicinity of that map. Mr. Reed replied that one of those was a historical subdivision that was in place prior to zoning. Chairman Burner stated that when you come from the Town of Stanley, you can see the natural transition from a higher density housing. The density of housing in that vicinity is much higher than it would be in surrounding areas. You are still within the growth tier. He isn't sure he agrees with that spot zoning argument because it is the growth tier and that is where we are supposed to locate development. Mrs. Fox stated the reality is if they don't, they will not be allowed to sell it. This creates a liability to the EDA rather than an asset. It's just property that sits there without any taxes being paid on it, without any revenue to the community, and really no industrial use.

Chairman Burner stated that Mrs. Fox had \$150,000 each for a seven-acre parcel. That is about \$21-22,000 an acre parcel. Do you really expect to see that? Mrs. Fox said this is their only option to sell. If they do a subdivision, that will dramatically increase that per acre lot amount, and if they leave it all in one lump sum in ag, then they have to decrease it. At this point, let the market set its course and see what happens. There are other properties of that size that have sold for that value in recent past and she believes there is a likelihood that it could happen. Chairman Burner stated that there were other parcels that sold that were about a mile in a half from there, they were five-acre parcels, and they sold for \$15,000 an acre and they were right on 340. The other issue he sees with it is the seven-acre parcels will claim land use. Mrs. Fox stated if you think about the value of the property with the housing you would build on a property that you pay \$21,000 an acre for, likely will generate a substantial amount in real estate taxes. Chairman Burner stated he understood that but wondered who they would market the properties to. Mrs. Fox replied that the discussion at the EDA was that they would put out a request for bid from different agents in the community to come in to submit their proposals. It is not going to be a for sale by owner. It will be marketed like any other property in Page County. Chairman Burner stated he wasn't talking about that part of it. Who is the target market to buy these properties? Mrs. Fox replied anyone willing to pay \$150,000 for a seven-acre tract. Chairman Burner stated we could sit here and argue over what the definition of affordable really is, if we have a weakness in workforce and people that are living in the community, and can contribute to a working workforce, how is someone going to pay \$21,000 an acre and build a mansion on it and actually contribute to our workforce? That is where he struggles with this. Mrs. Fox said the question would be do you really want workforce housing in this section of the community. Her understanding has always been that we want to see more development and high density residential around the towns. This is

not around the towns. There is a vast amount of land between the town and this parcel. Chairman Burner noted that this is in the growth tier for the Town of Stanley. Mrs. Fox said it is in their growth tier as that is what the comp plan says but she wondered how much growth was really anticipated to come out to this location when the towns have large parcels for development within the town limits for development where infrastructure already exists. Are we going to hold on to this for that purpose when there are other opportunities that they are missing. The way EDAs are able to market an area to bring in jobs is with land. Unless you want us to keep this land, the only other option is to go back to the BOS and ask for more money out of the general fund and taxpayers' dollars in order to purchase land that they can market.

Ms. Grech stated what she is hearing from Mrs. Fox is basically economic arguments. It's about selling that land to get a certain amount of money in what she thinks is the most appropriate way to do that. Mrs. Fox stated if there were other solutions, she would love to hear them. Ms. Grech said that the arguments that she was presenting here are mainly economic reasons. To justify a rezoning from their level, that is a very small part of the reasoning that they need to bring to the table. She is happy to help her figure out what justifications they need to see, but the state code is perfectly clear on what they need to see, which is in Section 15.2-2284 of the Virginia Code. That tells us the relevant factors are to be considered in a rezoning and what you are telling us doesn't feature prominently in what they need to consider. She isn't saying everything she has said isn't useful, because it is, but it also says an analysis shall be submitted and she proceeded to read state code. They need to see studies, documentation, etc. You say its hard to leverage the property. Bring us some documentation because we have to have that to make a decision. They need to base their decision on facts and not opinions. Mrs. Fox asked if the opinion from the state and regional representatives were not sufficient that this property should have never been zoned to industrial. Mrs. Grech stated she understood that but she would like to see some documentation to support that.

Mr. Reed asked if there was a distinction that they are able to make between this rezoning request and the other rezoning request for the Hudson property that you scheduled for public hearing? Maybe that is the confusion. Ms. Grech replied that the Chairman explained it very clearly. She asked how consistent this rezoning was with the comp plan? What policies of the comp plan would support the rezoning? Once you give us those answers, we can look at them but we have nothing now. The consistency with this rezoning with the comp plan is something that the courts look at with a critical factor should this rezoning be questioned. You are not giving us any information. All she is hearing is economic arguments not supported with any evidence. You are saying the board agreed or there was a sentiment, is there anything in writing? Studies? Documentation? The need evidence in order to make this determination. If you remember when we made the decision to approve a special use permit for an industrial solar project, they demanded a lot of documentation from them. With this rezoning request, they would like a minimum of documentation. We are willing to believe what you tell us but if this decision would ever be challenged in court, that will not be enough. Please provide some evidence of why it's not cost effective, how the land has been marketed, etc. It was stated by another attorney not so long ago that these properties were never promoted by the county for industrial use. Ms. Grech stated she also doesn't understand why they have not provided them with more information on how you would like to subdivide the parcels. The only information they have on the future plan, was provided through a FOIA request. Mrs. Fox noted she left her position at the end of October and returned to work on Tuesday and was told that the narrative was requested. Her understanding was that during the proposed packet, everything was presented at that time to the commission. Ms. Grech responded saying no. They were never told that land divisions were proposed. They found it out through documentation from a citizen who obtained it through a FOIA request. Furthermore, when the application was submitted to them, they tried to look for background and there were no minutes from the EDA that could help them in their research. Forgive them for being skeptical. She will refer to other counties where actions of the EDA have caused

considerable stress and consequences so forgive them for doing their due diligence in asking for documentation.

Mr. Reed stated the question related to a potential subdivision, that subdivision would be a by-right division which would not raise the level.. as it would be an administrative division approved at the Zoning Administrator. Not reviewed at the commission or board level. That is perhaps why, sharing certain documents related to that, certain things could change related to proposed layouts. This is a rezoning request and not a subdivision of land request. Ms. Grech noted she believed they are proposing to, in a way, circumvent the subdivision of land ordinance, by doing it in the way that is proposed, and we would like to know how you are proposing to do that. She felt they do not have enough information to make a decision. Mr. Reed stated his clients position remains that they request the public hearing be scheduled at the next available date. They have provided the information that was recently requested. At the opportunity to have a public hearing, also includes information gathering as part of that process. Ms. Grech respectfully disagreed. She is of the position for anything that is sent to public hearing, they don't do it unless they receive the documentation that supports the request, and in her opinion, they do not have it. She questioned when the BOS agreed to selling the land. Was there a vote? You said there was a sentiment. I'm sorry we can't make our decision on sentiments. Mrs. Fox clarified that the BOS would not make the decision because the property is owned by the EDA. They just asked for a blessing of sort. They do not have official role or vote on the decision of selling the land. The BOS does not oversee, dictate, or mandate the EDA in that way. Ms. Grech replied that they wouldn't have dreamed to ask her for that information but she provided that information as a reason for the rezoning. So, since you mentioned it, we are just asking for evidence or documentation. Mrs. Fox noted with all due respect, she wanted to give them the most honest open and transparent reasonings for why they are requesting this rezoning and now she feels like they maybe should have limited the information they provided them. Mrs. Fox continued to say she believes in transparent government. She is sharing with them all the reasons for the request. She noted she would be more than happy to provide supporting documentation if they would like to provide a list, but if the consensus of the group is to move forward with the public hearing, that is their desire. Mr. Reed noted that at the public hearing the commission gives a recommendation to the Board and any concerns can be addressed in that recommendation.

Mr. Smelser stated he sees both sides of this. He would like to move forward with some middle ground and compromise. Ms. Grech noted state code was very clear as they need to have an analysis of the factors they consider, and they have nothing. Others may disagree but her opinion is supported by state code Section 15.2-2284.

Mrs. Fox asked if the same requirements were posed to Mr. Janney and his client creating precedence in this case. Were the same analysis, studies, etc. necessary for him to move forward to a public hearing. Ms. Grech asked if she thought that a private landowner such as Ms. Hudson should be held to the same standard of development of the land that was zoned because she brought that up in the meeting in December. She is a private citizen. Did she have an obligation to market and develop her land, whereas the EDA, in her opinion, unless she is understanding the role of the EDA wrongly, had a mandate to develop that land per Project Clover. That is the role of economic development in our county. We need to do due diligence to make sure that happened. If that happened, and the studies prove it's not feasible, okay. Have you considered other options that Chairman Burner mentioned and then by process of elimination if you need to downzone to ag because all other avenues are closed, they are open to it. They just want to see some evidence. Mrs. Fox stated if you look at the standards for economic development statewide, it's not related to building houses or subdivisions. Workforce housing is an issue and component but not a main objective of economic development. It is one they want to look at and help promote with ordinances in our community, but there is no incentive from VA Economic Development partnerships for any type of housing development. The development is for job creation. Going

down the path of figuring out residential growth and housing is not technically the role of an economic developer. We are supposed to have those conversations but we are not a housing department. Mr. Reed stated that the same standards should apply to a rezoning request regardless of the owner of the property or you certainly enter a realm of potential discrimination there related to an individual owning the property vs. an entity owning the property and attempting to apply a different standard. Ms. Grech asked what about the growth tier. Mrs. Fox stated that the growth tier also encompasses the Hudson property. Chairman Burner noted it catches the very edge of it. The EDA's property is entirely in the growth tier. Mrs. Fox pointed out it does though. Chairman Burner stated she has made the argument in the past that we don't have enough commercial, industrial, and residential land. All we are trying to figure out is if you've done your homework. Have you done the analysis to show you've done the best you can based on the proof. Just provide the documentation that you have no other option but to rezone it to ag. They don't care if they can get a million dollars for it. Have you done your due diligence within that growth tier that that is the best use of the land. Mrs. Fox asked if it would be sufficient to bring Mr. Langston, with the Shenandoah Valley Partnership, which is the regional economic development director, who also was with VDP at the time that Stephanie Lilliard was in this role. The cardinal study was done at that time, and once again recommended the land was not ideal for the use of an industrial zone. Mr. Langston is willing to come to any public meeting and share his opinion on this property. If you could set the public hearing, and he could come and speak, would that be sufficient. Chairman Burner asked if she had ever put pencil to paper to disprove the residential zone and Mrs. Fox said no. She questioned why they would do that? Why would that be a requirement? Chairman Burner replied because they have not exhausted all options. Mrs. Fox said their role is not to develop housing. They are not a housing authority. They are the economic development authority. It is a different role in the economic development and tourism department than the economic development authority. She thinks that is part of the confusion. This is the EDA and not the economic development department. With all due respect, do you understand the difference between the two? Chairman Burner stated his issue is rezoning to ag in a growth tier. If it is cost prohibitive to do residential development, prove it. We are simply asking for proof that the financial cost of doing that puts you at a disadvantage. Mrs. Fox asked if they wanted them to commission a study through the EDA to prove how costly it would be to do a development? Chairman Burner stated something other than just saying its too expensive. Mrs. Fox stated she would have to look into seeing how that is possible to do that type of study that would meet any type of return or standards that you expect. Show me an example of where you have ever requested it before and I can use that as a basis, she would be open to that opportunity.

Ms. Grech noted that rezoning is a legislative decision. They will make a recommendation to the Board. They can't do that unless they base their opinions on facts. Just give us the facts. How is your rezoning consistent with the comp plan and which polices of the comp plan is it consistent with. How is it consistent with the growth tier. A hundred percent of the land you want to rezone is in the growth tier. To Mr. Reeds point, which she takes, she has asked the attorney representing the parallel downzoning for more information and hopefully it will be forthcoming. Mr. Reed replied that if that matter still needs additional information, it has already been scheduled for public hearing.

Ms. Grech asked staff to pull up the map showing growth tiers. Very little of that land is in the growth tier and as far as they know they haven't been informed that they are turning it into a residential subdivision. You are turning this into a residential subdivision. Mr. Reed noted that would require a residential zoning district and a Class A or B subdivision process. Ms. Grech stated she understood but it was going to be a de facto residential subdivision. Mr. Reed noted he disagreed with that statement. Mrs. Fox noted they are significantly larger parcels. Ms. Grech stated she lived in a subdivision and had two parcels of seven acres herself. You are proposing a residential subdivision and doing it in a way that it isn't going to be so costly by circumventing the Class A and B subdivision. Mrs. Fox asked if there were plans to evaluate the subdivision

ordinances in the near future so they could table this and Ms. Grech replied yes. Mrs. Fox said she could have some developers that she has spoken to since being employed on why they won't develop in the county and she can have them and speak directly to the commission. Ms. Grech stated that according to the Berkley Group, our subdivision of land ordinance is really inadequate. The 25-acre rule that they are proposing to get rid of is only nickel and diming our farmland. Many developers are looking to use the same technique that you are proposing outside of the Class A and B subdivision. Mrs. Fox stated she had copies of the proposed land division in the office and she was happy to share it. We should be transparent and that information was also provided to the EDA. She doesn't know why the minutes weren't available. Ms. Grech stated again there were no minutes. Then, they hear the EDA was going to subdivide the land and the commission finds out by citizens. Does that inspire confidence and transparency. Mrs. Fox noted that the EDA meetings are open to the public. They are the fourth Monday of every month. We've went through a transition of different roles on the EDA and unfortunately that did fall through the cracks. Ms. Grech stated the agendas are not even posted. Mrs. Fox stated the information for the EDA such as minutes and agenda should be public. The dates are posted in the lobby downstairs. Mr. Reed concluded noting they were standing before the commission with an EDA rezoning request, and now we are talking about when, where, and why meeting minutes of the applicant are or are not available.

Chairman Burner asked how the commissioners wanted to proceed. Mr. Adams stated he felt they should have one more meeting with the commission before the public hearing was scheduled. The commissioners agreed.

Mrs. Fox requested that they articulate what all they would like to be presented prior to that meeting so they don't end up in a situation where they are asked for additional questions. Chairman Burner instructed the commission to submit their written questions to the EDA one week from today. They can be sent through staff onto Mr. Reed.

Open Citizen Comment Period

Paul Otto- Mr. Otto stated he came to listen to what just concluded. He has some history about this as he was on the commission when Project Clover came about. It seems what was a bad decision may turn into another bad decision in which he would hate to see happen. He understands the EDA's position. They have property they can't do anything with and they need to find other properties that they can do something with and you need money to do that. Instead of venturing into a highly speculated venture such as what is described, you should sell it for what you can get for it. His concern from a planning viewpoint, is the example that is set by how the EDA proposes to develop this property. By doing it through the by-right divisions. That was designed to help the farmer come up with some cash which happens. Every time this ordinance has been discussed; it is not to be used for real estate development which is what the EDA is proposing. It would set a bad example if a body like the EDA, which is sanctioned by the county, to enter into that type of process.

Ken Jemelity- Mr. Jemelity stated after today he had a whole new set of questions. Who decides who makes up the EDA? Who funds the EDA? Who is the EDA accountable to? If Page County is funding them, or the state, the difference between the private owner and the EDA, is that the private owner is not spending our tax payer money.

Beth Snider- Ms. Snider stated she understands the current EDA inherited this mess from many years ago. She can sense the frustration. Only a portion of Ms. Hudson's property is being rezoned to ag. She didn't put the land to industrial. Ms. Snider thanked Mrs. Fox and the commission.

Chairman's Report

None

Clerk's Report

None

Adjourn

Mr. Turner made a motion to adjourn. The motion was seconded by Mr. Adams. The motion passed unanimously. The meeting was adjourned at 8:57 p.m.


Jared Burner, Chairman