

MINUTES
PAGE COUNTY PLANNING COMMISSION
January 24, 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	

Members Absent

None

Staff Present

Tracy Clatterbuck	Josh Hahn
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Call to Order

Chairman Jared Burner called the January 24, 2023 Page County Planning Commission Work Session 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. Turner made a motion to adopt the agenda as presented. Mr. Adams seconded the motion. The motion passed unanimously (5-0).

Public Hearing

A. Rebecca Graves Hudson – Rezoning Application

Ms. Clatterbuck briefly reviewed some of the maps included in the packet to make it clear for the record what tracks of land are involved in the rezoning request. (Note: Mr. Hahn indicated on the displayed map which areas Ms. Clatterbuck was referring to as she went along.) Ms. Rebecca Graves Hudson has filed an application to rezone the following parcels: Tract 1: Tax Map 72-9-1, located at 852 Middleburg Road, containing 11.642 acres. This parcel currently contains Ms. Hudson's house. Tract 2: Tax Map 62-A-51D, located off of Middleburg Road, containing 3.091 acres. Provided the rezoning is approved, the applicant will be doing a boundary line adjustment that will include portions of Tax Map 72-A-2G, resulting in a new area of 4.723 acres. Tract 3: Tax Map 72-A-2G, located off of Timber View Drive, containing 122.297 acres. Provided the rezoning is approved, the applicant will do a division of land and split off a 4.399 acre tract. Ms. Clatterbuck stated that it was important to note that the applicant is not seeking to rezone the entire 122.297 acres of 72-A-2G. Tract 4: Tax Map 72-A-2I, located off of Goodrich Road, containing 31.614 acres, as well as a little portion included in the right-of-way, for a total acreage of 32.248 acres, all of which would be rezoned if approved. Tract 5: Tax Map 72-8-7, located off of Goodrich Road, containing 3 acres. All of the above listed properties are zoned Industrial. The applicant is requesting that these parcels be rezoned to Agricultural. The proposed land will be used for agricultural purposes provided the rezoning is approved. The applicant was required to reach out to VDOT, Page County Health Department, and the Building Official. All comments were included in the packet. Ms. Clatterbuck indicated that there were no objections from these agencies. Adjoining and adjacent landowners were notified of the public hearing. A few had submitted their comments that were included in the packets that were sent out on Friday. Any that we have received since Friday were forwarded electronically to the Members, as well as provided to Members tonight. The applicant was

provided these comments, as well. Ms. Clatterbuck noted that Mr. Janney was present and would like time to speak.

Chairman Burner opened the public hearing at 7:06 p.m. A gentleman present in the audience, who indicated his address was 909 Goodrich Road, stated that he had not received a notification about the public hearing. Ms. Clatterbuck asked if this could be resolved later in the meeting so that the public hearing speakers could begin speaking, and the gentleman affirmed.

Ms. Clatterbuck indicated the first speaker was Mr. Janney. Mr. Janney stated that he represented the applicant, Rebecca Hudson. In summation, the applicant is seeking to rezone 56.012 acres from Industrial, downzoning to Agricultural. Mr. Janney provided a brief history of Ms. Hudson's property. In 2009, Ms. Hudson sold 210.313 acres to Page County's Economic Development Authority (EDA). All of the area that the applicant is seeking to rezone comes from that land. When it was sold to the EDA, the land was zoned Agricultural. It included Ms. Hudson's house, which is located on 340; a 3-acre tract on Timber View Drive.; a 31-acre tract where the beginning of Mill Creek is located; a 4.723-acre tract that surrounds a lot belonging to the Town of Stanley. This fronts Middleburg Rd. and opposite and across the road from the Page County Technical Center and land that belongs to Page County. Mr. Janney mentioned recent newspaper articles referencing Page County's intention to develop this land beside the Technical Center for a recreational center, and that land is zoned Agricultural. Mr. Janney stated that the land surrounding the area that Ms. Hudson intends to rezone is all basically Agricultural, with the exception of the EDA's land that is also before the Planning Commission, which the EDA is requesting be downzoned from Industrial to Agricultural. This is agricultural land. Even though it was sold to the EDA, it continued to be used for farming purposes up until the present day. Mr. Janney requested the aerial map be shown on the screen, which was done. Mr. Janney stated that this map provided a good look at the land and its current uses. The land has continued to be used for agricultural or forestal use. Even the 3-acre tract, which was subdivided years ago, is still forested. There is a small white area at the top, which is a hay field. Ms. Hudson desires to transfer this land back to Agricultural. The 11-acre tract to the far right is bordered by the Norfolk and Western railroad track, and the land is fairly steep, with barns and her former dwelling house, and the land is used for Agricultural purposes. Mr. Janney noted that, as Ms. Clatterbuck has mentioned, comments have been obtained from the Building Department, VDOT, and the Health Department, and there is no opposition that he knows of to the rezoning. There was one comment indicating that the property owner would like to have their land to Agricultural, or it was indicated that this was great. In the last couple years, there has been a great deal of discussion about preserving agricultural land, both from the Planning Commission and the Board of Supervisors. Mr. Janney stated that he had been told by the Board of Supervisors that the two most basic and most needed industries are agriculture and tourism, and that we have a shortage of land to keep in prime agricultural land. The applicant seeks to restore some more balance and restore this land, the 56 acres, to agricultural, which is basically the surrounding uses of the property. It is in harmony with the neighborhood. The land the applicant is seeking to be restored to Agricultural zoning has road frontage on Goodrich Road, 340, and Timber View Drive. Sharon, Walter, and Allen Lucas own land along Goodrich Road adjacent to this property that is farming land. The land is most suited for agriculture. Mr. Janney mentioned that there were some questions raised about its use, promotion, and marketing as industrial land. He stated that he is not aware of any real prospects that the County had in the year that they had the property before the EDA defaulted on its loan and the land was foreclosed and returned to Ms. Hudson. The EDA kept about 30 acres of the land, which is also before the Planning Commission as a rezoning. While Ms. Hudson has owned the land for about 12 years, Mr. Janney is aware of only one real expression of interest in someone purchasing the land for industry. That resulted in no deal. There was another inquiry at one point by the people that wanted to develop a shavings industrial plant that would manufacture electricity from shavings and poultry litter, but that didn't go anywhere, as the County basically disinvited them from coming to Page County. Mr. Janney indicated that he has continuously talked with the EDA for years after Ms. Hudson reacquired the property to see if there was any interest in using this land as industrial. Mr. Janney stated that he called every new Economic Development person that there was, soliciting their help in selling the property,

and there was never any referral from the County to develop the land. Mr. Janney stated that we want to turn the land back to its original use that it has had for its entirety. He referenced questions about the Town of Stanley's secondary service area. He referenced an email from Terry Pettit, Stanley's Town Manager, which he said indicated that the Town of Stanley really has no interest in developing service facility at this point. Mr. Janney stated that Ms. Grech had raised the issue of a residential use of the property and residential subdivisions. He referenced an opinion from Racey Engineering as to the cost of development of nearly \$400,000 per acre to comply with the County's and State's requirements to do a residential subdivision. The applicant does not propose to do that. It is not appropriate land, sitting in the middle of the county to carve out a residential district at this point. Mr. Janney welcomed any questions the Planning Commission had. Ms. Grech indicated that she had some. Chairman Burner asked if there were any additional speakers so that we could complete the public hearing before asking questions, and Ms. Clatterbuck indicated there was another speaker. Mr. Janney requested that he have the opportunity to respond to any questions that might be asked after the conclusion of the public hearing.

Ms. Clatterbuck invited Ken Jemelity to the podium as the second speaker. Mr. Jemelity expressed agreement with Mr. Janney. This property was Agricultural when the County purchased it. It was rezoned by the County to Industrial, which never went anywhere, and then defaulted on by the County. The property was returned to Ms. Hudson. Since the rezoning from Agricultural was initiated by the County when they owned it, and not by Ms. Hudson, he stated the reasonable thing to do is grant her request. He thanked the Planning Commission.

Ms. Clatterbuck indicated that there were no more speakers. Chairman Burner closed the public hearing at 7:17 p.m.

Chairman Burner asked Ms. Grech if she had questions to ask Mr. Janney. Ms. Grech referenced the application, the background gives descriptions for what is planned for Tract 1, Tract 2, and Tract 3. Ms. Grech requested that the earlier map, which showed in blue the actual areas that are part of the rezoning request, to be put back on the screen. She referenced the application's description of two future boundary line adjustments at the northern portion of the property. Mr. Janney stated that Ms. Hudson owns land along Middleburg Road, and she also owns property that is 2G, and she wants to adjust those to create a comprehensive tract that will stretch from Middleburg Road over to the 31-acre tract. Ms. Grech asked what the plans are for Tract 3, because the application states that a division of land post rezoning to include a portion of 4.399 acres will be submitted accordingly. Ms. Grech asked if she is correct in understanding there won't be a boundary line adjustment? Mr. Janney stated that it would be a boundary line adjustment. Ms. Grech stated that a boundary line adjustment was stated for one tract but not the other. Mr. Janney stated that here were boundary line adjustments for everything except Tract 5, which is an existing, small lot on Timber View Drive, and the 31.614 acres, which goes out to Goodrich Rd. Ms. Grech stated that Tract 3 would be a new tract of land, then. She asked if there was a reason Ms. Hudson is only rezoning a small portion of Tract 3, Tax Map 72-A-2G. Mr. Janney stated that 72-A-2G contains 122.297 acres, and the applicant only seeks to cut off a portion of that for rezoning. Ms. Grech confirmed the acreage, as well as the portions involved in proposed boundary line adjustments, and asked why Ms. Hudson was not rezoning all of lot 2G. Mr. Janney answered that the applicant did not want all of it rezoned. The other acreage includes land that runs along the railroad and could still be used for industrial property. The land that is part of the rezoning request is not land that is fronting on the railroad. Mr. Janney stated that the Planning Commission indicated some issue with eliminating industrial land, and this applicant is not seeking to eliminate all of the Industrial land. The majority of the land would still be Industrial. Ms. Grech thanked Mr. Janney for answering her questions, and she thanked him for the presentations and for submitting a narrative immediately upon the application, which was very helpful.

Chairman Burner asked if there were any other questions for Mr. Janney. A gentleman from the audience indicated he had one question about his property, which was indicated as "lot 22" on the adjacent

property map. He asked whether his property would be part of the rezoning. Mr. Janney answered that the rezoning request only involved property owned by his client, Ms. Hudson. Chairman Burner asked if there was any discussion regarding the rezoning application. Mr. Smelser indicated he would like to make a motion. He moved that the Page County Planning Commission recommend approval to the Board of Supervisors to rezone Tax Map Number 72-9-1, 62-A-51D, 72-A-2G, 72-A-2I, and 72-8-7 from Industrial (I-1) to Agricultural (A-1). Chairman Burner asked if there was a second, and Mr. Adams seconded. Chairman Burner asked for a roll call. The motion passed unanimously.

New Business

A. Adoption of Minutes

Ms. Grech stated that there were 30 pages of minutes in front of us tonight, which will require some time to read. She made a motion to table adoption of these minutes until next time so that we will have time to read the minutes. Chairman Burner asked if there was a second. Mr. Smelser seconded the motion. The motion passed. Chairman Burner indicated adoption of the minutes was tabled until the next meeting.

B. Discussion of additional meeting dates

Chairman Burner indicated that we have had the Zoning Ordinance for a while now. The reality is that we are not getting to it because our agendas stay full, and he doesn't see a break coming. He wants to propose that in the off weeks, on Tuesdays, unless a Board meeting interferes with those dates, we incorporate additional meetings that focus strictly on the Zoning Ordinance. These meetings won't handle any other business. He asked for feedback from the Planning Commission. Mr. Mitchell stated that he had no problem with this idea. He would like to get this Zoning Ordinance done so they can move on with some other things. Ms. Grech expressed agreement, stating that we should do what it takes to move along. Mr. Adams stated he had no objections. Mr. Smelser asked how often the meetings would occur. Chairman Burner indicated that it would be every Tuesday, for right now, until we get closer to the Spring and Summer when people start getting busier. The reality is that at these meetings, there will be no voting. It will just be discussion. If we don't have full attendance there, that's okay. Chairman Burner asked Ms. Clatterback if we technically have to have quorum if we're not going to be voting on anything. Ms. Clatterback stated that she thinks this is the case, and Ms. Grech also expressed agreement. Chairman Burner stated that if Planning Commission members are not going to be meeting, they should let Ms. Clatterback know 24 hours in advance, as there is no purpose in scheduling the meeting if it would just need to be cancelled. Ms. Grech asked Chairman Burner for confirmation that the purpose of the extra meetings is solely for revision of the zoning ordinance, and Chairman Burner confirmed. Ms. Grech asked if the meetings would start the next Tuesday, January 31 or the following week. Chairman Burner expressed his desire to start these meetings as soon as possible, and he recommended starting on January 31 and having another meeting on February 7, and continuing on Tuesday nights in between regular meetings and work sessions. Ms. Grech asked what members should be work on for the January 31 meeting. Chairman Burner stated that he was considering either definitions or the use matrix, and Ms. Grech recommended the use matrix. She stated that the Planning Commission has already had a helicopter view of definitions, and we should look at how those definitions are used. Chairman Burner asked everyone to look closely at the use matrix over the next week. Ms. Grech asked for confirmation that the use matrix to which Chairman Burner was referring is that which was proposed by the Berkley Group, and Chairman Burner confirmed. Ms. Grech asked if we would be looking at any of the Subdivision Ordinance, and Chairman Burner answered "not yet." Ms. Clatterback mentioned that the Board of Supervisors is scheduled to meet in this room on February 21 due to the holiday on February 20 falling on their normal meeting night. She asked if Chairman Burner wanted to meet that night in the conference room. Ms. Grech suggested meeting on Wednesday, February 21 instead, and Chairman Burner agreed. Ms. Clatterback indicated that she would publish the January 31, February 7, and February 22 meetings. Chairman Burner asked to publish out to the end of March, and then we could reevaluate the

meeting schedule. Ms. Clatterbuck asked if the meetings would need to be livestreamed, and Chairman Burner stated that they should, for transparency.

C. Campground Subcommittee Report

Ms. Grech stated that the Campground Subcommittee met last week. We addressed all the points in the planning discussions that we had in October. We are finalizing a redline version. We still have to work on road standards, occupancy standards, and various metrics and numbers as to intensity of use and size of campground. The next meeting date had not been scheduled. She asked when Mr. Smelser and Mr. Adams when they would be able to meet, keeping in mind the new schedule of extra meetings on the Zoning Ordinance. There was discussion on possible dates, and the group decided on February 2nd at 7 p.m. Ms. Grech indicated that the conference room would be fine again if the Board of Supervisor's room was not available. Ms. Grech stated that she was very pleased having three members of the public attend that meeting, and there was good input. She asked Chairman Burner if he has any feedback as to appointing members of the public to subcommittee in general and specifically for the campground subcommittee. Chairman Burner stated that he had received several emails from citizens requesting to be on the subcommittee. He has considered how he would like to handle that. What he would like to do is have each member of the committee choose one person, and then he would choose one person to make it an odd number on the committee. Members should get in contact with that person and then give that person's name to Ms. Clatterbuck. He asked that each member select someone who would be fair and balanced on the topic. Ms. Grech asked if they should propose names tonight, and Chairman Burner stated that members should first reach out to possible subcommittee participants to see if they would be willing to serve, then submit that name to Ms. Clatterbuck.

Unfinished Business

A. Economic Development Authority of Page County, Virginia – Rezoning Application

Ms. Clatterbuck stated that she did not have anything else to present. She noted that the applicant is present. Chairman Burner asked if anybody from the Planning Commission had any questions for the applicant. He noted that there were several members of the EDA present. David Reed stated that he would be happy to answer any questions the Planning Commission had. Ms. Grech stated that she had no questions to add to the questions that she posed in an earlier email. Chairman Burner asked if there were any other questions or comments, and there were none. Mr. Reed stated that his client would request that the Planning Commission schedule this for public hearing. He noted that this was the fourth meeting he had attended on this matter. Mr. Smelser stated that he had a motion. He moved that the Planning Commission schedule a public hearing for the rezoning application at the next meeting staff recommends. Chairman Burner stated that general practice lately has been to skip one meeting to make sure everything can get out to public notification. That would mean scheduling the public hearing for February 28. Ms. Clatterbuck confirmed. Chairman Burner asked for a second to the motion on the table, and Mr. Turner seconded. Chairman Burner asked Ms. Clatterbuck for a roll call, and the motion passed unanimously.

B. Zoning Ordinance Amendments – Riding Stables and Academies and the Industrial Zoning District

Ms. Clatterbuck stated that she did not have anything to add, except that what was included in the draft was what was sent to legal for review. She has not heard back from him yet but expected to, soon. Chairman Burner asked if we needed to schedule riding stables public hearing for February 14, and Ms. Clatterbuck stated that the riding stables and the industrial zoning changes were scheduled for February 14 at the last Planning Commission meeting. Ms. Grech asked what the difference was between a riding stable and a riding academy, and how are they defined. Ms. Clatterbuck answered

that they are currently defined together. Ms. Clatterbuck read aloud the definition: “A building, group of buildings, or use of land, or any combination thereof, used for the sheltering, care, riding, or showing of horses. The facility may include the sale of tack and related accessories items. Structures may include barns, stables, corrals, and paddocks.” Ms. Grech stated that the word “paddock” means “school.” She asked whether “lessons” are included in the definition. Ms. Clatterbuck states that the definition doesn’t specifically say that, but she would interpret it to include lessons. Ms. Grech agreed. She asked whether this should be specified or if it is implied. She wondered why the word “academy” was included. Chairman Burner stated that there are some equestrian facilities that are driven by curriculum. He mentioned an example of a riding academy in southwest Virginia. If you have a small, private school that was just teaching riding capabilities, that would be considered an academy. Ms. Grech asked if this would still be considered by SUP (Special-Use Permit), where the Planning Commission could ask about activities, and Chairman Burner agreed. She stated the reasoning behind her questions were to gauge traffic concerns, but she understands this would be discussed in the SUP process. Chairman Burner mentioned that this was addressed in language added regarding parking and events plans. Ms. Clatterbuck stated that her interpretation is that “lessons” would be included under “riding.” Chairman Burner stated he thinks lessons might fall under an “event.” Mr. Turner stated that this reminds him of 4-H and FFA when they go around to different places to give riding lessons to kids, and he thinks there should be some sort of exemption for this. Chairman Burner expressed agreement. He stated that if we have someone giving 50 lessons with 50 horses, we want to be careful what kind of impact that might have on traffic along that road. Mr. Smelser stated this could be something that would be dealt with during the SUP process. Mr. Turner stated that when he was at one of these 4-H/FFA events, there were only around 10 vehicles, not 50. Ms. Grech suggested a solution to word the last sentence, “the owner of the stables shall submit as part of the application a plan for waste disposal, parking, and any teaching activities or events plan.” Chairman Burner said he agreed with Mr. Turner that we need language regarding youth activities. Riding stables will still have to go through the SUP process. Part of the consideration during that process will be to determine if it is a youth activity or a private, for-profit activity. This is something we will need to leave to the SUP process. Ms. Grech suggest to Ms. Clatterbuck to change language to “parking and planned activities or events.” The applicant may already know what they are going to plan. This is something we would like to know, especially since this use does not operation under the Right to Farm Act. Mr. Hahn asked if we might add “training” to the definition of riding stables and academies, after “care and riding.” Mr. Burner answered that we should. Ms. Grech suggested to Ms. Clatterbuck that we have definition to look at when we discuss this document next. Ms. Clatterbuck asked what changes she needed to send to legal, since she has already sent the current version to legal. Chairman Burner mentioned the planned events and activities and adding “training” to the definition. Tracy also noted that what we put in the advertisement for the public hearing can still be changed by the Planning Commission as it is discussed. Chairman Burner agreed.

Adjourn

Mr. Adams made a motion to adjourn. The motion was seconded by Mr. Smelser. The motion passed unanimously. The meeting was adjourned at 7:48 p.m.



Jared Burner, Chairman