

MINUTES
PAGE COUNTY PLANNING COMMISSION
February 28, 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 Burner called the February 28, 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. Burner indicated that we need to add "Officers of Election" to "New Business." Mr. Smelser made a motion to add Officer of Elections to the agenda under "New Business" and to approve the agenda as amended. Ms. Grech seconded the motion. The motion passed, unanimously. [Note: The obvious intent of the motion was to add "Election of Officers" to the agenda, which is how these minutes indicate that item of "New Business," below.]

Public Hearing

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

Ms. Clatterbuck referenced the staff reports in front of each of the Planning Commission members. She indicated that Mr. Reed was present to represent the applicant, if they had any questions.

Chairman Burner opened the public hearing at 7:02 p.m. Ms. Clatterbuck stated that Mr. Reed has signed up to speak. Mr. Reed stated that his comments would be on behalf of the applicant, and he stated he could wait to bring these forward after the public hearing. Chairman Burner agreed that he could do this after the public hearing had ended.

Mr. Clatterbuck called Paul Otto to speak. Mr. Otto stated that his comments are basically the same as what he brought forward at the last discussion. Project Clover was a failure because it was a poor decision based upon a poor process and poor information. He urges the Planning Commission not to repeat that tonight. He advised the Planning Commission to make sure they have all the information they need to make the best decision they can.

Ms. Clatterbuck called Ken Jemality to speak. Mr. Jemality stated that according to the EDA, they were instructed by the Board of Supervisors to sell the EDA land for the original purchase price of \$1,000,000. He stated that, per Ms. Fox's undated narrative letter with three enumerated points, the only way to do this was to subdivide the property into eight lots of approximately seven acres and sell them for approximately \$150,000 each. He continued to paraphrase this portion of the narrative letter, stating

that in order to meet this requirement and abide by the county's land division ordinances, these parcels needed to be zoned Ag to avoid the financial burden of a Class A or Class B Subdivision and a cost that will not be easily recouped. He stated that he is still unclear how a goal of a certain price point is grounds to avoid other county regulations, such as the Class A and Class B rules. Effectively, this circumvents the subdivision ordinance in order to justify a one-million-dollar decree from the Board of Supervisors. In the minutes from January 10, 2023, Ms. Fox states that the water on site is not sufficient for industrial; it is for residential use. Mr. Jemelity asked if the parcel is subdivided into eight lots, obviously the parcel that the well is located on gets the well, would that then be branched off for all eight lots. If so, that sounds like the infrastructure for a residential subdivision. He stated that he has two further questions that he has not been able to get an answer for. Who is the EDA accountable to for how they spend taxpayer funds? Why does the EDA need its own attorney to represent them for county business with the county? Mr. Jemelity thanked the Planning Commission.

Ms. Clatterbuck called Cathy Herbert to speak. Ms. Herbert expressed concern regarding this rezoning request because there is no business/economic development plan for the County. Priorities should be to create living wage jobs and attract companies that can offer those jobs, to protect the environment and natural resources and quality of life, and to help with the housing shortage. Ms. Herbert stated that there is no plan. This project, like a couple of others, recently, do not fit into any long-term objectives for the County. This doesn't seem like any kind of justification for changing zoning or for making a decision that involves this much money and investment from the County. She stated that selling small plots of land at a high price to get around existing ordinances seems like it would be for second homes for the wealthy. This doesn't do anybody in Page County any favors in terms of what the County should be trying to accomplish and what the goals should be.

Ms. Clatterbuck called Beth Snider to speak. Ms. Snider stated that she knows this piece of land was inherited from previous people, and she's sorry that this falls on current leadership to clean up. She stated that we have very little industrial land in the county. She asked since we already have it that way, wouldn't it be more prudent to have something useful on this property. She asked whether there was any opportunity for any type of industrial use on this property. She asked if there have been attempts to make it some type of commercial use that could be viable. With Page County being a designated Hub Zone, this land would seem a realistic option. She asked if this land is rezoned to Agriculture in the hopes of developing it into residential use, will the board of the EDA be developing the land or would they sell it to a developer. Is this something that's already in the works? She stated this wasn't clear. She stated that she has seen the maps showing redone boundaries into eight lots, but if this is already slated for residential use, why not put it into residential right away instead of putting it into Ag. The EDA's original motion was to rezone to Residential, but then they voted to put it into Agriculture, and she isn't sure what that meant. She agrees with others that there has been a lot of talk about affordable housing in the area. Is it possible to have a subdivision here with affordable housing that average people could afford? If this goes back to Ag land, can it be slated to be used actually for agriculture and not be subdivided? Why does it have to be subdivided? Can it not be sold as farmland? She has heard the EDA's lawyer speak about his feeling on the parcels, but she has not seen any studies to back any of that up. She also saw mention that the Town of Stanley was putting in a well on that area. She asked if this area is already slated for development. Her question is if the plan is to use this as residential, why not zone it Residential.

Ms. Clatterbuck stated that there were no more speakers. Chairman Burner ended the public hearing at 7:11 p.m.

Chairman Burner asked if there were any questions or comments for Mr. Reed. Mr. Reed stated that members of the EDA were present, as well as Ms. Fox, should there be any questions they can address that he can't fully answer for the Planning Commission. He stated that he did get this letter today, and as soon as he received it, he sent it to Ms. Clatterbuck to put in the Planning Commission's paperwork. He apologizes that it was late coming in, but he sent it as soon as he received it. He stated that it

summarizes well Dr. Langston's review of this property from an economic development standpoint. He stated he is glad to answer any questions the Planning Commission has today. He also wanted to remind the Planning Commission of a few things. This application was submitted on October 26, 2022, so we are right at or over the four-month mark as we stand today. Also, when the adjoining property owner, Ms. Hudson, filed a separate rezoning application, Racey Engineering submitted a letter that discussed the site cost related to a residential subdivision. Mr. Reed stated that he knew the Planning Commission had a question related to the estimated cost for subdivisions, so he asked that the Planning Commission refer to that letter related to an estimate for developing a residential subdivision in Page County in accordance with ordinances for residential properties. He expressed that if they do review this letter as well as Dr. Langston's letter and all previous conversations, he thinks the Planning Commission will find it appropriate to vote to recommend that this property be rezoned from Industrial to Agricultural and move this to the Board of Supervisors.

Chairman Burner asked if there were any questions or comments for Mr. Reed. Mr. Turner asked, with this property being so pricey, does Mr. Reed think that somebody could come in and turn it into a residential piece of property to build a house on. Mr. Reed answered that there are two things to look to when doing that evaluation. First, what would the potential sale price need to be for someone who could develop it in that situation. The numbers that have circulated have the approximate values for that. Second is to go to an expert in the field and look at their opinion for the cost estimate of doing this type of surveying, stormwater management, roads, etc. to meet the requirements of a residential subdivision. When you look at Mr. Racey's letter that was submitted for the adjoining property's rezoning request, you get a good estimate of the cost. When you put those two together, you understand the cost for a residential site would be considerable and well beyond the scope of what the property would sell for.

Ms. Grech stated that Mr. Reed just referred to an evaluation and an expert in the field making that evaluation. She asked if that had been done, and whether he has any studies to prove the points he has been making. Mr. Reed answered that the letter he was referring to from Dr. Langston, Executive Director of the Shenandoah Valley Partnership, dated February 27, 2023, relates to this particular property. The letter indicates that he has evaluated the property, and he states his opinion in the letter. Mr. Reed also referenced the letter from a local engineer, Mr. Racey, which gives a cost estimate for developing a nearby property from a residential subdivision standpoint. Ms. Grech stated that while they may be experts in their field, their opinions were more general than particular. She quoted the letter from Mr. Langston: "...Page County should sale this property and invest the funds in a site better suited for business development." Ms. Grech stated that Dr. Langston does not refer to any specific zone. He does not refer to Industrial or Commercial. It is not really specific. She stated that Mr. Racey's letter is general and conceptual and does not refer to any particular property or parcels. She asked Mr. Reed if he has any studies or facts supporting A) the fact that it should be downzoned from Industrial, B) that it should not be Commercial, and C) that it should not be zoned Residential and therefore, for lack of a better option, should be zoned Agriculture. She stated that this is the information that the Planning Commission has tried to get ever since this was presented. They have discussed it at three different meetings. There have been several exchanges of emails. There have been narratives provided. There have been many questions. She stated that this is shown in the minutes. She stated that the Planning Commission would like to see more data, research, and studies to justify this decision. She stated that in approving or denying a rezoning request, the locality has an obligation to document their review of data, facts, and research. She believes it needs to be even more strict in a downzoning decision, and probably even more so when you are reversing a previous decision to upzone. The Planning Commission has requested documentation by email and at three Planning Commission meetings. She stated that Mr. Reed is referring to a document that was provided to the Planning Commission as part of a different rezoning application. The Commission has not received any documentation pertaining to the current rezoning. She stated that, to her, this is a general document and not site-specific. She stated that this is arguably sufficient to argue against an Industrial zoning, but does nothing to argue against a Commercial or Residential zoning. She stated that she finds herself in a position where she does not know how the Planning Commission addresses this any further.

Mr. Reed suggested that a simple way to address this would be to call for a vote, and then each of the Planning Commission members may vote their opinions based upon their analysis and research, which is their job, as they are on the Planning Commission in that regard. He pointed out that the Planning Commission did vote recently to downzone property from Industrial to Agriculture for an application that was submitted at the same time.

Ms. Grech asked if Mr. Reed has any information for how he finds this rezoning application to be in compliance with the Comprehensive Plan as far as the growth tier is concerned. Mr. Reed indicated that this has been discussed at length at multiple meetings. When you look at the property, one of the things you have to look at is surrounding uses. He has had the opportunity to drive out to this property and post the rezoning hearing sign. When he did, he turned off of 340 to access it off of Middleburg Road. He was surprised about that turn, about how the turn is not well-banked. He does not believe tractor trailers or vehicles of large size could make that turn to access the property from this direction. Access is one thing that is addressed in Dr. Langston's letter. Rail access was also addressed. He stated that while a lot has been said about proximity or adjoining to the railroad, Dr. Langston's letter indicates that the reality of getting access to railroad and being adjacent to it are two very different things. Mr. Reed stated that if you look at the Comprehensive Plan, look at the comments submitted by neighbors, look at the experts who have submitted information related to this matter, he doesn't see any basis for how this is not in line with the Comprehensive Plan to approve this downzoning from Industrial to Agriculture, given the surrounding uses. Ms. Grech stated that Mr. Reed is implying that a growth tier has to be an Industrial development. It does not. A growth tier could be Residential or Commercial, and thus allow more development or more intensive use than Agriculture. She believes the Chairman has expressed that same opinion. She reiterated the opinion stated earlier by a member of the public that we are a Hub Zone. It may be more appropriate for this to be zoned Residential or Commercial, in her opinion. She stated that she takes his point regarding Industrial, but she is not sure that she has enough information to address either the Commercial use or the Residential use. She stated that we should not forget that we are reversing a decision that was made 14 years ago, and we have to do our due diligence, and we need to have documentation in order to justify our decision.

Chairman Burner asked if there were any additional questions. There were none. He stated that a motion was needed on how to proceed. Mr. Turner made a motion that the Planning Commission deny the request until they get us some better facts and really tell us what they want to do with the property. He stated that he does not think taking it to farm land at the present time would be a good idea. Chairman Burner asked Mr. Turner if his motion was to table the application or to deny the application. Mr. Turner stated that we could not table it anymore. So his motion would be to deny. Chairman stated that a motion has been made to deny the rezoning. Ms. Grech seconded the motion, stating her reasoning was a lack of facts to make a decision. She does not wish to make a statement about the merits of the zoning one way or another, but she does not feel as though we have enough facts. Chairman Burner asked for a roll call. The motion passed, 4-1, with Chairman Burner the one dissenter.

New Business

A. Adoption of Minutes

After reviewing the minutes for February 14, 2023, Mr. Turner made a motion to adopt the minutes as presented. Mr. Adams seconded. The motion passed unanimously.

B. 2022 Annual Report

Ms. Clatterbuck referenced Page 2 of the Annual Report. She stated that the document was fairly self-explanatory, so she is not going to go over every number. In general, zoning, building and trade permits continue to increase. New residential units obviously continue to increase, as well. Chairman

Burner asked if the 52 multi-family dwellings in 2021 were the units behind Wal-Mart, and Ms. Clatterbuck confirmed. Mr. Turner read that we had 2,220 building and trade permits in 2022, stating that this was a lot of work. Ms. Grech stated that this was a sharp increase from the previous year. She stated that we're seeing a trend that is not slow; it's real sharp growth. Her question would be if we are well-staffed and well-equipped for this growth. She also noted that complaints don't seem to have grown with all the other reported numbers. Ms. Clatterbuck stated that staff is happy about that.

Ms. Clatterbuck referenced Page 3's Business Licenses section, given recent discussion in the Planning Commission regarding short-term tourist rentals. In 2022, there were 132 business licenses approved. 92 of the 132 were for short-term rentals. She worked today to determine which zoning districts these were in, as this topic had come up in a recent special meeting to go over the proposed zoning ordinance's use matrix. 55 of the 92 were in residential subdivisions. Two of the 92 were on residential-zoned properties that were not subdivisions. Ms. Grech stated that this was 57 of 92, so more than half of these were in residential-zoned properties. Mr. Turner asked if there was a specific area these were located, and Mr. Clatterbuck indicated that these were located everywhere from Overlook Mountain down to the south end of the county. Chairman Burner indicated that this needs to be highlighted, and that this is a problem.

Ms. Clatterbuck referred to Page 4, regarding the division of land records. She stated that this section has changed from previous years, as the format now shows the number of lots that people were creating in each of the division/boundary line adjustment categories. She pointed out the non-family divisions section. Non-family divisions are an option where you can divide one parcel into two parcels, once every five years in the agriculture and woodland-conservation zoning districts. She stated that she had 31 deed reviews resulting in 62 lots. She also had one deed review resulting in 14 lots and one deed review resulting in six lots. These last two deed reviews mentioned occurred by way of the 25-acre rule, where large tracts of land are first divided into 25-acre parcels, and then can immediately divided again under the non-family division rules. She pointed that we also had quite a few 25-acre divisions. She stated that we had 32 boundary line adjustments, which is pretty consistent with previous years. We had one Class B subdivision resulting in two lots. The reason this had to go through a Class B subdivision is because the property was zoned Residential. Had the property been zoned Agriculture, it would not have had to go through a Class B subdivision. She noted that there was only one variance and one appeal in 2022.

Ms. Clatterbuck moved on to Page 5, pointing out rezoning and special use permits. She stated that we did not have as many special-use permits in 2022. She pointed out that 2021 was when the Planning Commission had a lot of the special-use permit applications for tower co-locations, which explains the big difference between the two years.

Ms. Clatterbuck asked if the Planning Commission had any questions or comments. She expressed that she would like to submit this to Administration and the Board of Supervisors for review. Ms. Grech stated that the report was very good, and very useful. She stated that it was particularly enlightening when looking at the 25-acre rule and how this results in further by-right divisions. The result is basically that 82 lots were created. She stated that this a lot of playing around with the county rules to get a desired outcome for residential use. She thanked Ms. Clatterbuck for a great job. Chairman Burner asked if Ms. Clatterbuck needed a motion to approve the report, and she requested they do so. Ms. Grech asked if, on Page 5, "a tent" referred to one tent, and Ms. Grech affirmed. Ms. Grech stated that this does not meet the definition of campground, so she assumes that this use is not allowed. Ms. Grech affirmed. Chairman Burner asked for a motion to approve. Ms. Grech made the motion. Mr. Turner seconded the motion. The motion passed, unanimously.

C. Election of Officers

Ms. Grech made a motion to reappoint the Mr. Burner as Chairman and Mr. Turner as Vice-Chair of the Planning Commission. Both Chairman Burner and Mr. Turner indicated that they would be willing to serve. Mr. Smelser seconded the motion. Chairman Burner asked for a roll call. The motion passed 4-0, with Chairman Burner abstaining. Chairman Burner stated that we needed a motion for Secretary. Mr. Turner made a motion for Ms. Grech to be appointed the Secretary of the Planning Commission, and Mr. Smelser seconded the motion. Chairman Burner asked for a roll call, and the motion passed, unanimously.

Unfinished Business

A. Campground Subcommittee Report

Ms. Grech stated that the subcommittee has met regularly and has had great feedback from members of the public who have joined. We are making great progress. We are currently working on standards, and Mr. Hahn is still working on models related to density. She stated it's easy to throw out numbers, but without models these numbers are a little abstract. We've also discussed what we would allow for recreational facilities. We have also discussed road standards. She stated that there is still a need to have campground operators on the subcommittee. She stated that she would reach out to Ms. Berezoski, and she noted that Ms. Clatterbuck has stated she would reach out to Mr. Austin from Racey Engineering regarding road standards. Ms. Grech stated that the subcommittee is doing great work and should have something to report soon. Right now, we want to avoid being our own echo chamber. We are grateful to Mr. Otto and Ms. Anderson for their input on the subcommittee, but we need to have one or two campsites operators, as well.

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

Chairman Burner stated that he has not had time to get with Mr. Helm regarding the comments that Mr. Helm had. Chairman Burner felt that when we originally submitted this, the Berkley Group's definitions would be sufficient, but apparently they were not. He stated that he would work with legal. Chairman Burner asked if it would be appropriate to table this again tonight, and Ms. Clatterbuck affirmed. Mr. Turner made a motion to table these amendments. Mr. Smelser seconded the motion. Chairman Burner asked for a roll call. The motion passed, unanimously.

Adjourn

Mr. Turner made a motion to adjourn. The motion was seconded by Mr. Smelser. The motion passed unanimously. The meeting was adjourned at 7:40 p.m.



Jared Burner, Chairman