

Minutes
Board of Supervisors
Work Session
April 2, 2019

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy Jr., District 1
David Wiatrowski, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Jeff Vaughan, District 5

EDA Members
Present:

Jay Dedman, At-Large
Mark Dofflemyer, District 1
Missie Deibert, District 2
Bart Price, District 4
Joshua Knight, Chairman, Town of Stanley

Staff Present:

Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Michael Helm, Esquire, Miller, Shanks, & Earle

Call to Order:

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on April 2, 2019, at 6:00 p.m., located in the County Government Center, 103 South Court Street, Luray.

Joshua Knight, EDA Chairman, called to order the meeting of the EDA.

Discussion of Past Inquires to the EDA/Economic Development:

Mrs. Moler explained that the Board has requested a joint meeting with the EDA to discuss past inquires made to the EDA and initiatives going forward. Liz Lewis, Economic Development/Tourism Coordinator, said she presented the updated draft strategic plan to the Board in June 2018. The plan gives guidelines that both organizations can use toward projects and goals. She said, both, the EDA and Board need to understand the plan of action before they can pick and choose projects. Mrs. Moler referred to the Cardinal Plan, which was adopted by the Board, and said it specifically states that Mrs. Lewis is the point of contact for economic development. The EDA is to be used for offering sites and incentives for businesses. Mrs. Lewis then reviewed some of the projects in progress. The Board and EDA discussed working on incentives and what can be done to attract business to the County.

With no further business, EDA Chairman Joshua Knight adjourned the EDA at 6:50 p.m.

Recess: Chairman Phenix recessed the Board at 6:50 pm.

Reconvene: Chairman Phenix reconvened the Board of Supervisors meeting at 7:00 p.m. Roger Gochenour gave the Invocation followed by the *Pledge of Allegiance*.

Request for Deferral on Cape Solar and Dogwood Solar:

Roger Bowers, Legal Counsel for Urban Grid, on behalf of Cape Solar LLC and Dogwood Solar LLC, said on Thursday, March 21, 2019, they were informed by a Supervisor that he had been threatened if he voted to approve the Cape project and he feared for the safety of his family. Because of this threat, he said he had switched his vote from yes to no. Upon hearing this, they immediately recommended the Supervisor report the actions to law enforcement for investigation. They then informed the County Attorney about what they had been told. It is a criminal act to threaten harm to a public official or his family. They told the County Attorney that they wanted the incident investigated fully and they were concerned about the validity of the legislative process. Given this occurrence, they felt the consideration of the two special use permits should be deferred until a comprehensive, independent investigation could be conducted. They provided that request to the County Attorney and repeated their position that a full investigation is needed. He stated that land use applications should not be undertaken in a climate of intimidation and fear. Therefore, he requested a 60-day deferral on both the Cape and Dogwood applications, until the June 4, 2019, Board work session.

Supervisor Guzy asked if the incident was reported to local authorities. Mr. Helm, Esquire, responded that it was not reported to his knowledge.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors deny the request of the applicants of Cape Solar, LLC and Dogwood Solar, LLC to defer action on the proposed special use permits for a period of 60 days and move forward with a vote on both applications tonight. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-1. Aye: Phenix, Guzy, Wiatrowski, Stroupe, Foltz. Nay: Vaughan.

Vote on the Special Use Permits:

Cape Solar:

Mrs. Moler reviewed the proposed special use permit conditions on the Cape Solar project, revision dated March 7, 2019.

Supervisor Guzy asked if these documents, with the proposed changes were made available to the public. Mrs. Moler responded that they have been made available. Chairman Phenix asked if this document originated with the County; Mrs. Moler replied in the affirmative.

Supervisor Stroupe asked if the binder from Urban Grid was tied to the special use permit conditions. Mrs. Moler indicated that it was not tied directly to the special use permit, but

it is still part of the project. For example, the decommissioning plan is not part of the special use permit conditions, but it would follow the project. He asked if the binder is a binding document of the contract with the landowner and the developer. Mr. Helm responded that the binder is part of the project and becomes incorporated as the terms of the project. It is not part of the permit. Supervisor Stroupe asked if there will be battery storage areas to store electricity on the site. Mr. Helm said the conditions only refers to the inverters and transformers needs to store, transfer, and deliver the electrical generation. It does not talk about housing or storage.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors deny the special use permit to Cape Solar, LLC. Supervisor Wiatrowski seconded and the motion failed by a tie vote of 3-3. Ayes: Guzy, Wiatrowski, Phenix. Nay: Stroupe, Foltz, Vaughan.

Dogwood Solar:

EXHIBIT A

Mrs. Moler reviewed the proposed special use permit conditions on the Dogwood Solar project, revision dated March 7, 2019.

Motion: Supervisor Vaughan moved to approve the special use permit application of Dogwood Solar, LLC, subject to the terms and conditions set forth by the County and agreed to by the applicant. Supervisor Foltz seconded and the motion carried by a vote of 4-2. Aye: Stroupe, Foltz, Vaughan, Phenix. Nay: Wiatrowski, Guzy.

Public Hearings:

Special Use Permit – Shawnee Farms:

The public hearing was advertised as follows:

Notice of Public Hearing
Page County Board of Supervisors
Special Use Permit Request

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended, that the Page County Board of Supervisors shall hold a public hearing at 7:00 p.m. on April 2, 2019, in the Board of Supervisors Meeting Room, located in the County Government Building, 103 South Court Street, 2nd Floor, Luray, VA, to receive public comments and to consider the following request:

Shawnee Farms, LLC, has filed an application for a special use permit for property located at 2816 Old Forge Rd., Luray, VA, and further identified by tax map #31-A-70. This parcel is zoned as Agriculture (A-1) and contains 82.85 acres. The applicant is proposing to operate a banquet/event facility. Pursuant to 125-10 D.(16) of the Page County Zoning Ordinance, banquet/event facilities are only permitted by special use permit.

Chairman Phenix opened the public hearing on the special use permit for Shawnee Farms, LLC at 7:32 p.m.

Tracy Clatterbuck, Zoning Administrator, reviewed that Shawnee Farms, LLC has filed an application for a special use permit to operate an event facility located at 2816 Old Forge Road, Luray, VA. The property is improved with a farmhouse, a large barn, and other numerous accessory structures. The farmhouse is currently approved and licensed as a short-term tourist rental for up to 16 sleepers. The applicant is proposing to use the existing barn, farmhouse, and associated areas as an event/banquet facility. The associated areas include a structure to the north or in front of the barn, where a portion will be used for restrooms and dressing rooms, and open areas adjacent or near the barn, which will be used for parking. The Virginia Department of Transportation has no objection to using the entrance in its temporary gravel state with the understanding that it must be paved within one year of the special use permit approval. The Health Department has also expressed that they have no issues. The Building Official set the occupant loads as: first level of the barn at 140 persons, second level of the barn at 100 persons and the farmhouse at 49 persons. The Page County Planning Commission held a public hearing on February 26, 2019, and recommended approval to the Board of Supervisors for granting this request, with the attached conditions.

Public Comments on the Hearing:

Rod Graves, owner of Shawnee Farms, LLC said he would appreciate approval of the permit.

With no further comments, Chairman Phenix closed the public hearing at 7:33 p.m.

Motion: Supervisor Foltz moved that the Page County Board of Supervisors approve the special use permit for Shawnee Farms, LLC to operate a banquet/event facility, with the attached conditions. Supervisor Guzy seconded and the motion carried by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Wiatrowski. Nay: None.

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Special Use Permit

Applicant: Shawnee Farms, LLC

Tax Map #: 31-(A)-70

Purpose: Banquet/Event Facility

1. This special use permit is transferable, it will meet the requirements in and have privileges provided for in the Page County Zoning Ordinance, and any ordinance amendments for the period set forth within the parameters in this special use permit. The special use permit shall remain with the property for a period of fifty (50) years.

2. Shawnee Farms, LLC, or its successor and/or assigns, shall be in compliance with all County ordinances, the Uniform Statewide Building Code, and all State agency regulations.
3. The business shall apply for and maintain a valid Page County business license.
4. This special use permit is for the use of the existing barn, the existing farmhouse, a structure to the north or in front of the barn, where a portion will be used for restrooms and dressing rooms, and open areas adjacent or near the barn which will be used for parking.
5. Per the Page County Building Official, maximum occupant loads are as follows:
 - a. Barn events – first level: 140 persons and second level: 100 persons
 - b. Farmhouse events – 49 persons
6. Any outdoor fires on the property shall be enclosed by a fire ring. All fire rings shall be enclosed by a non-flammable material at least 8” in height.
7. Any lighting that is provided on the property will be directed downwards, so as not to produce a glare onto adjoining properties or roads.
8. This special use permit may be revoked upon material noncompliance with the terms of the permit, or upon violation of any other relevant terms of the Zoning Ordinance or any other ordinances of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the County shall notify the permit holder in writing of the material in noncompliance or violation, and the permit holder shall have thirty (30) days thereafter to cure the material noncompliance or violation. The notice shall be deemed given when hand delivered to the permit holder or when mailed by certified mail, return receipt requested, to the permit holder.
9. Any change of use or expansion not included in this special use permit will require an additional, new, or modified special use permit as required by the Page County Zoning Ordinance at that time.
10. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit.
11. Per VDOT requirements provided to the applicant, the entrance serving the event facility is required to be a moderate volume commercial entrance. This entrance has been permitted by VDOT but has yet to be paved as of 1/18/2019. VDOT has no objections to using the entrance in its temporary gravel state with the understanding that it will be required to be paved within one year from the date the special use permit is granted approval. This condition is subject to modification in writing from VDOT.

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Public Hearing - 2019 Tax Rates:

The 2019 Tax Rates was advertised as follows:

Notice of Public Hearing

Board of Supervisors
County of Page, Virginia
Tax Levies
Calendar Year 2019

Please take notice: That the Board of Supervisors of the County of Page, Virginia will conduct a public hearing in the Page County Board of Supervisors Room, 103 South Court Street, Luray, VA 22835, at 7:00 p.m., on April 2, 2019, for the purpose of receiving public comments and to consider the proposed tax levies for calendar year 2019.

County of Page Calendar Year 2019
Tax Classifications and Proposed Levies

Year	Real Estate & <u>Mobile Homes</u>	Personal <u>Property</u>	Machinery & <u>Tools</u>	Motor <u>Carrier</u>	<u>Aircraft</u>
2018 Levy	\$0.70	\$4.59	\$2.00	\$2.00	\$0.50
2019 Proposed	\$0.75	\$4.59	\$2.00	\$2.00	\$0.50

All levies are per one hundred dollars of assessed valuation at fair market value.

Chairman Phenix opened the public hearing on the 2019 tax rate at 7:34 p.m.

There were no speakers during on the 2019 tax rate hearing. Chairman Phenix closed the public hearing at 7:35 p.m.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors set the aircraft tax rate at \$0.50. Supervisor Wiatrowski seconded and the motion carried by a vote of 4-2. Aye: Foltz, Guzy, Wiatrowski, Stroupe. Nay: Vaughan, Phenix.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors set the motor carrier tax rate at \$2.00. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Vaughan, Phenix, Wiatrowski, Stroupe, Foltz. Nay: None.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors set the machinery and tools tax rate at \$2.00. Supervisor Wiatrowski seconded and the motion carried by a vote of 5-0, with 1 abstention. Aye: Phenix, Guzy, Wiatrowski, Stroupe, Foltz. Nay: None. Abstain: Vaughan.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors set the personal property tax rate at \$4.59. Supervisor Foltz seconded and the motion carried by a vote of 4-2. Aye: Stroupe, Foltz, Vaughan, Phenix. Nay: Guzy, Wiatrowski.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors set the real estate and mobile home tax rate at \$0.74. There was no second to the motion. The motion failed by a vote of 4-2. Aye: Phenix, Guzy. Nay: Wiatrowski, Stroupe, Foltz, Vaughan.

Motion: Supervisor Vaughan moved that the Page County Board of Supervisors set the real estate and mobile home tax rate at \$0.70. Supervisor Foltz seconded and the motion failed by a tie vote of 3-3. Aye: Stroupe, Foltz, Vaughan. Nay: Phenix, Guzy, Wiatrowski.

Motion: Supervisor Wiatrowski moved that the Page County Board of Supervisors set the real estate and mobile home tax rate at \$0.73. There was no second to the motion. The motion failed by a vote of 4-2. Aye: Phenix, Wiatrowski. Nay: Foltz, Vaughan, Guzy, Stroupe.

Motion: Supervisor Guzy moved that the Page County Board of Supervisors set the real estate and mobile home tax rate at \$0.739. There was no second to the motion. The motion failed by a vote of 4-2. Aye: Phenix, Guzy. Nay: Vaughan, Wiatrowski, Stroupe, Foltz.

Motion: Supervisor Wiatrowski moved that the Page County Board of Supervisors set the real estate and mobile home tax rate at \$0.73. Supervisor Guzy seconded and the motion carried by a vote of 3-2, with 1 abstention. Aye: Phenix, Guzy, Wiatrowski. Nay: Foltz, Vaughan. Abstain: Stroupe.

Update from the Chamber of Commerce:

Gina Hilliard, Executive Director of the Luray-Page County Chamber of Commerce, said the Chamber is applying for the ninth grant from the Virginia Tourism Corporation. The 2019 Community Guide and Business Directory is out and was in the Page News and Courier and is available at the Chamber Office. The Chamber's membership is at 442, which is a retention of 94.09% as far as return members. The Chamber partnered with the school system to help students write resumes for jobs. Mrs. Hilliard then reviewed the website stats, upcoming events, and Restaurant Week that done in partnership with the County. She said they held the annual Cabin Capitol Forum. Lastly, she indicated that digital banner advertisements were run with the TOT funds from the County.

Introduction/Review of Special Use Permit - Gary Cubbage:

Tracy Clatterbuck, Zoning Administrator, said Gary Cubbage has filed an application for a special use permit to operate a commercial sawmill, commercial chipping mill, and commercial shaving mill on property located at 575 River Road, Stanley, VA. This parcel is improved with the applicant's residence, two poultry houses, and other numerous farm buildings. They must comply with Section 125-30.4 of the Page County Zoning Ordinance, which requires certain conditions. The applicant initially plans to install an 80x50 dryer for shavings, at a minimum of 100 feet from all property lines. The Health

Department and VDOT have no objections. The Page County Planning Commission held a public hearing on March 26, 2019 and unanimously recommended approval to the Board for granting this request, with conditions.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors hold a public hearing on this application for a special use permit at the Board's May 7, 2019 work session, and direct staff to provide adequate notice of such hearing, in accordance with the Code of Virginia Section 15.2-2204. Supervisor Foltz seconded and the motion carried by a vote of 6-0. Aye: Guzy, Wiatrowski, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Introduction/Review of Special Use Permit - Edson Reid, Jr.:

Mrs. Clatterbuck said Mr. Reid has filed an application for a special use permit to place a manufactured home in the Land of Shenandoah Subdivision located at 149 Sharon Drive, Shenandoah, VA. Pursuant to Section 125-11D.(3) of the Page County Zoning Ordinance, a manufactured home in a subdivision zoned Residential (R) is only allowed by a special use permit. The subdivision currently contains many manufactured homes. In 2009, Mr. Reid was granted a special use permit for placement of the home on this same lot, however, he never followed through with installing the manufactured home. The Health Department, VDOT and Building Official have no objections to the request. The Planning Commission held a public hearing on March 26, 2019 and the Commission unanimously recommended approval to the Board for granting this request, with the attached conditions.

Motion: Supervisor Stroupe moved that the Page County Board of Supervisors hold a public hearing on this application for a special use permit at the Board's May 7, 2019 work session, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia Section 15.2-2204. Supervisor Vaughan seconded and the motion carried by a vote of 6-0. Aye: Wiatrowski, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Introduction/Review of Special Use Permit - Brian Stanley:

Mrs. Clatterbuck reviewed that Brian Stanley has filed an application for a special use permit to operate a home occupation that will offer used lawnmower (and other related lawn care equipment) sales and service, in a detached garage, located at 151 Sandy Hook Road, Luray, VA. In addition to the existing garage, this property is improved with a single family detached dwelling, a carport, and numerous accessory buildings. The business would be conducted out of the existing detached 28 x 28 garage. He is also proposing to use a designated 30 x 20 area near the existing carport, as a storage area for lawnmowers and parts. This area will be shielded from the view of adjacent property owners and the public right-of-way. The applicant is proposing to operate at a maximum of 40 hours a week. The Health Department, VDOT and the Building Official have no objections to the request. An adjoining landowner has voiced objection to the issuance of the permit and asked that staff relay the additional comments to the Board. She said

some of the concerns could be mitigated, in the conditions of the special use permit. After discussion, the Planning Commission unanimously recommended approval to the Board for granting this request, with the attached conditions.

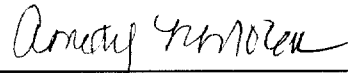
Motion: Supervisor Guzy moved that the Page County Board of Supervisors hold a public hearing on this application for a special use permit at the Board's May 7, 2019 work session, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia Section 15.2-2204. Supervisor Wiatrowski seconded and the motion passed by a vote of 6-0. Aye: Stroupe, Foltz, Vaughan, Phenix, Guzy, Wiatrowski. Nay: None.

Adjourn: 8:50 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administration