

MINUTES
PAGE COUNTY PLANNING COMMISSION
April 12, 2022

Members Present

Catherine Grech, Secretary, District 1
Isaac Smelser, District 4

Jared Burner, Chairman, District 3
William Turner, Vice Chairman, District 5

Members Absent

Tom Mitchell, District 2

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Jared Burner called the April 12, 2022 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. The meeting was available via zoom. Ms. Clatterbuck conducted an attendance roll call.

Adoption of Agenda

Ms. Grech made a motion to approve the agenda as presented. Ms. Smelser seconded the motion. The motion passed unanimously 4-0.

Citizen Comments on Agenda Items

Kenny Jemelity- Mr. Jemelity stated he felt the solar ordinance being reviewed currently was the best one yet and he hoped the BOS would jump onboard with the proposed regulations.

Danielle Babb- Mrs. Babb spoke in favor of the proposed regulations related to allowing the keeping of animals in the residential zoning district and especially the exclusion of 4-H projects. She stated this amendment would greatly impact her family along with adjoining property owners around her that are also zoned residential.

Meagan Dyer- Ms. Dyer stated she was a 4-H agent in Page County along with being a citizen in the county. She detailed the 4-H program, explaining the history of the program, and the benefits of the program. She stressed the importance of allowing these 4-H projects for children in the community, regardless of what their property is zoned or whether they grow up on a farm or not.

Cathy Herbert- Ms. Herbert thanked the commission for the proposed solar ordinance in addressing her concerns related to water contamination, karst topography, etc.

Clyde Humphrey- Mr. Humphrey also expressed his gratitude to the commission for the proposed solar ordinance noting this was the best he had seen from the county so far. He encouraged the commission to carefully consider some of the proposed wording in the document.

Chris Anderson- Ms. Anderson also thanked the commission for the solar ordinance draft under review.

Beth Snider- Ms. Snider also thanked the commission for the solar ordinance draft being considered noting she also felt it was the best draft so far.

Public Hearing

A. Town of Stanley-- Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

The Town of Stanley has filed an application for a special use permit (SUP) to operate a dog park located on the corner of Marksville Road and Hawksbill Park Road, Stanley, VA, and further identified by tax map number 81-A-94. The parcel is currently zoned as Woodland-Conservation (W-C). The total acreage of the parcel is 10.75 acres; however, three acres will be dedicated for use of the dog park. The proposed project is located adjacent to the Hawksbill Recreation Park and Swimming Pool. Pursuant to Section 125-9.D(2) of the Page County Zoning Ordinance, commercial outdoor recreational areas and facilities are permitted by special use permit.

The dog park is generously being donated to the Town of Stanley by Donald V. Feliciano, from Luray, VA. Bailey Legacy Dog Park as it will be known, will consist of two fenced in areas. One for smaller dogs and one for larger dogs. The fence will be made of six-foot chain-link wire fencing. Parking will be installed along the dog park which will consist of twenty parking spaces. There will be rules posted throughout the dog park. Four dog waste stations will be placed around the dog park and will be properly disposed of by park employees. The Town of Stanley Public Works Department and the Parks and Recreation Department will maintain the facility.

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

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, this property will be served by a proposed private entrance at the VDOT approved location on Hawksbill Park Road. The proposed entrance will require site plans for review before approval. The proposed use should not have any adverse effect to the VDOT right-of-way.

Health Department- The dog park will not have bathroom facilities onsite, but bathroom facilities are available at the Hawksbill Recreation Park Building which is adjacent to the proposed project. Per Herbert Cormier, with the Virginia Department of Health (VDH), the department has no objections to the issuance of an SUP for the dog park.

Building Official- Per James Campbell, Page County Building Official, he has no objections to the proposed project. Before any work begins, the applicant will be required to check to see if permits are required.

This property falls within the “Agricultural Protection Tier” and into the designation of “Moderate Farmland” and “Prime Farmland”. Due to the low impact, the proposed use would not change the character of the property/area.

In reviewing the Page County Comprehensive Plan, there is nothing that specifically mentions a recreational area and/or facility such as a dog park; however, there are other areas of the comprehensive plan that encourages outdoor recreational uses.

In Volume I of the Page County Comprehensive Plan, Goal 11 states, “Provide community facilities and human services that are efficient, progressive, accessible, and responsive to the needs of the community.”

Goal 11, Policy 11.2 states, “Develop and maintain adequate public facilities that meet the current and future needs of the County.”

Goal 11, Policy 11.18 states, “Encourage the development and use of a bike-walkway system in

the community to support exercise, outdoor recreation and the conservation of natural resources.”

Ms. Clatterbuck noted she had received one letter of support and one letter of objection for the proposed dog park. Copies of the comments have been provided to the commissioners. An updated site plan that was requested at the last meeting was also provided to the commission for review. She concluded noting the applicant was present for any questions.

Chairman Burner opened the public hearing at 7:22 p.m.

Terry Pettit- Mr. Pettit stated he had spoken to the property owner that had objections noting that he had explained the project in detail to her and addressed her concerns.

Chairman Burner closed the public hearing at 7:24 p.m.

Mr. Turner made a motion to approve the special use permit to operate a dog park (with proposed conditions) as presented. The motion was seconded by Mr. Smelser. The motion passed unanimously 4-0.

New Business

A. Shenandoah Escapes- Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

Shenandoah Escapes, LLC has filed a special use permit (SUP) application to operate a campground located at 870 Sedwick Road, Luray, VA, and further identified by tax map number 31-(A)-61. The parcel is currently zoned as Agriculture (A-1) and contains 49.650 acres. Pursuant to § 125-10 D.(9) of the Page County Zoning Ordinance, campgrounds are only permitted by special use permit in the Agriculture (A-1) zoning district. Campgrounds are subject to the Page County Zoning Ordinance (Chapter 125) and the Page County Campground Ordinance (Chapter 128).

The applicant is proposing twenty (20) campsites. Each campsite will include a camping unit (dome, safari, tent, yurt, tipi, treehouse, or A-frame cabin) as well as a private bathhouse (connected to well water and septic system) that includes a bathroom, shower, vanity area, seating area, and fire pit. The campsites will be clustered in groups of three-to-five (3-5) with trails linking each cluster of campsites, the parking area, the ponds, forested areas, and other amenities.

The property currently has a single-family residence that is rented on a long-term basis. The tenant will provide support for the campground and be available at all times. Neither the house nor the immediate yards are a part of the campground operation.

Staff strongly encourages the commission and board to carefully consider any proposed conditions attached to the SUP.

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

Virginia Department of Transportation (VDOT) – Per James Craun, the property is currently served by an existing entrance at 870 Sedwick Road. The existing entrance does not meet VDOT’s minimum requirements for a moderate volume commercial entrance. The proposed use for this campground requires a submission of plans to VDOT for a moderate volume commercial entrance. VDOT has located an acceptable entrance location that meets the

minimum sight distance requirements.

Page County Health Department- Per Herbert Cormier, the department has no objections to the proposed use; however, he further explains Health Department requirements in the attached email dated February 3, 2022.

Page County Building Official- Per James Campbell, he has no objections to the special use. Permits and/or engineering will be required for any structures.

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

Policy 6.2: "Encourage economic growth that is compatible with the County's rural character while generating a positive net cash flow for the County".

Policy 6.6: "Promote local employment opportunities."

Policy 6.12: "Enhance the County's tourism and retail base."

Based on information provided by the applicant, it is anticipated that Shenandoah Escapes will contribute significantly to the local economy during planning and construction phases as well as on an ongoing basis. It is anticipated that Shenandoah Escapes will contribute an estimated \$150,000 or more per year in taxes to the County. They also plan to partner with local farms to provide fresh locally grown produce and livestock as well as locally crafted goods.

Ms. Clatterbuck requested that the Page County Planning Commission hold a public hearing on this special use permit application for tax map number 31-(A)-61 at the May 10, 2022 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204. Ms. Clatterbuck turned the podium over to the applicant for presentation.

Mr. Nick Labadie stated he hoped that the application packet they have submitted is something that makes them happy and is different than other requests they've seen before. He proceeded to review the application and site plan with the commissioners.

Mr. Turner asked where the trails would be located on the site and Mr. Labadie pointed them out on the site plan. Chairman Burner asked about the cattle on the property and if he would have them fenced off or if they would be able to walk around in the campground. Mr. Labadie explained that they would be fenced in and would not be permitted to walk around in the campground. They want the guests to be able to see the cattle but not have access to the cattle. There was concerns related to the safety of the guests with the existing barbed wire fencing installed.

Ms. Grech explained that the county could impose conditions on the special use permit. One condition she would like to see would be related to the fencing. She is concerned with the safety of the barbed wire fencing and would recommend a wire mesh fencing instead as it is safer. She also asked about the existing house on the property. Would that be a part of the campground operation? Mr. Labadie explained that the caretaker who is a long-term rental tenant would continue living in the house and they would also be the onsite manager of the campground. Ms. Clatterbuck explained that the existing single family dwelling was a by-right use in the district; therefore, she urged the commission to not limit or incorporate the house into the special use permit. They could decide down the road that they want to use that as a short term tourist rental which is another by-right use in this district so we wouldn't want to cause issues down the road with by-right uses. Ms. Grech also stated she would like to see the

type of camping units (domes, tents, cabins, etc.) narrowed down instead of leaving it open ended as presented. The applicant agreed to also provide a site plan showing the proposed layout for each campsite showing type of camping unit, bath, etc.

Mr. Smelser asked if they had plans to have a place to eat since he was offering local products such as eggs, etc. Mr. Labadie explained they want to provide fresh eggs, local products, etc. but they would be consumed in the individual camping unit. Mr. Smelser asked if they had plans to have a gift shop, food truck, etc. and Mr. Labadie stated they were open to that if the county would support it but that wasn't in their initial plans.

Ms. Grech requested the applicant come back with the fencing, rules and regulations, clarity on the management, the individual camping sites, and narrow down the options on the type of camping unit/appearance. Mr. Turner stated he did not want to see barbed wire fencing or small woven fencing that someone could climb over.

Unfinished Business

A. Review draft of "residential farm" in residential zoning district and "dwelling" amendments

Chairman Burner began by providing clarification stating that it's just residential farms and gardening that is being addressed in the residential zoning district because in the current ordinance neither of those uses are allowed.

Staff provided the commissioners with an updated draft amendment based on discussion from the last meeting.

Chairman Burner noted that Section 125-30.22 A(1) was not mathematical correct (animal units). After discussion, it was decided to remove that paragraph and 2(a) would move to 1(a) and change the verbiage to on "parcels less than six acres" and the next paragraph would be for "parcels greater than or equal to six in number three."

There was discussion regarding the protection of 4-H regulations in the draft.

There was also discussion regarding the setbacks from well which was drafted to say 100 feet and property lines which was drafted to say 25 feet. Chairman Burner felt that was a bit restrictive based on size of the lots. He recommended it be reduced to 15 feet from property lines and 25 feet from wells.

Ms. Grech explained that she did reach out to a local beekeeper for opinion related to beehives. He recommended the setbacks be from the house vs the property line. He also recommended increasing the number of hives allowed per acre. Ms. Grech suggested they bump up the number from four per acre to five with a maximum of fifteen per lot.

Ms. Clatterback reminded the commission of the joint public hearing with the Board on Monday, April 18, 2022 on these proposed amendments.

B. Review and discuss draft solar ordinance

Ms. Grech stated the most significant news they received recently about solar was the Racey Engineering Report on the Dogwood Project that was submitted to the county. Shortly after that was submitted to the office, within a few weeks, the Department of Environmental Quality (DEQ) came out with a new set of rules that basically says solar panels are now considered impervious surfaces. Using a metaphor, what that means is that solar panels will be considered the same way

a roof is and will need the equivalent of a gutter, downspout, etc. The stormwater coming off the panels will have to be directed in a way to control. Ms. Butler stated they would need to consider the quantity of water that is received (and slow it down) in the ponds or basins that are installed on the property. Ms. Grech explained that if you have a roof that doesn't have a gutter, it will create a ditch and there will be erosion. Ms. Butler stated she had spoken to Mr. Austin with Racey Engineering on what this new rule means. It's not necessarily that it will be a whole new site plan, but they will have to change things on their site plan. They could very well still be proposing the same number of panels but they have to be able to slow the water down and have a way to receive it. Basically, they have to go back to the drawing board as far as their submittal goes. The first submittal/review doesn't amount to much. They know they have to address for karst topography, etc. but this will change the way they have done their initial calculations. Ms. Grech stated we really didn't know the extent of the impact of this new regulation from DEQ. There probably isn't a scenario where DEQ is going to come back and say sorry, there is going to be too much water, the project is out, correct? Ms. Butler replied that if they wanted to do the project they would have to mitigate the runoff. Ms. Grech stated if the county wanted to prevent any stormwater runoff, they better put it in the solar ordinance. Ms. Butler stated the way to prevent that would be to limit the coverage area of the project. We can't legally change or add ways to mitigate stormwater other than what DEQ is already requiring.

Ms. Grech stated when the public makes reference to that report, it refers to the safety of well water within ten miles. Ms. Butler noted that there is a requirement of a certain amount of feet from the sink hole or karst feature, but the ten miles for well is encouraged or suggested but not required. Ms. Grech recommended that the commissioners take a look at the Stormwater Design Guidelines for Karst Terrain in Virginia provided in the Virginia Stormwater Management Handbook. It is a scary document. The way she reads this document, and she is not an expert, but it's not because there is sinkhole in existence that necessarily the sinkhole is going to cave in more, but conversely it is not because 50 feet, 100 feet, that there is not going to be one in the future. That's the problem with karst terrain. Its swiss cheese and we don't know what is underneath. We need to put something in the ordinance to address this concern. It's a triple concern. Its karst terrain, now we have the acknowledgment from DEQ that there are vast quantities of water that may come off the panels really fast, and lastly, the possibility that a solar panel when it is intact, isn't hazardous waste. What would happen if a bunch of panels fell into the sinkhole and they couldn't be retrieved? Sooner or later they are going to leak the toxins from the panels. Ms. Grech stated she believed the ordinance addresses that. Some have said why are we having industrial solar facilities on karst terrain at all, this ordinance chooses to request the document such as the one from Racey Engineering up front. We need proof that it is not going to poison our well water. The only way we could go further is to say absolutely no industrial solar on karst terrain. It is certainly a conversation that needs to be had. We have warned by citizens of the karst terrain and we really haven't listened until this document came out. If we lose our water quality, we don't exist anymore. Chairman Burner stated he didn't think they could write it as they couldn't put it on karst terrain but if they wanted to put a level of protection to find out if it is karst terrain that is the best bet we've got. Ms. Grech stated karst terrain is addressed in the Comp Plan and it's something we should be considering not just for solar but other stuff as well. Ms. Grech stated there had been a lot of talk about whether industrial solar should be allowed in the industrial district only instead of industrial and agriculture. Certain counties have limited to only allowing it by special use permit in the industrial zoning district. She feels that is a conversation the Board needs to have. Chairman Burner stated he felt it should only be allowed on industrial zoned land. Mr. Turner agreed. Ms. Grech recommended they leave it as written and let the Board decide. To say it is only allowed on industrial zoned land, would possibly lead to rezoning applications. Would that be considered spot zoning if it weren't near already zoned industrial land

and Ms. Clatterbuck confirmed. Ms. Grech also noted she felt that would be an upzoning of land which is also frowned upon.

Ms. Grech reminded the commission that the Board had instituted a moratorium that expires end of May which means this is a pressing matter. We need to send this draft to public hearing quickly because we need an ordinance before the end of May. With that being said, Ms. Grech made a motion to take the solar ordinance to public hearing on May 10, 2022. She stated they were not trying to rush things and not be diligent, it's just we need this ordinance ASAP. Ms. Clatterbuck asked for clarification, so between tonight and the next meeting they would make the changes that the commissioners wanted to see in the document handed down by the Board, and that is the document that will go to public hearing? Ms. Grech asked when staff needed the document for the ad. Ms. Clatterbuck requested at least by the next meeting. Ms. Clatterbuck stated she just wanted to understand what document was going to public hearing. Ms. Grech stated she had some changes and didn't know if they would all be necessary, but they were small changes. She stated she was happy to take on amending the ordinance and getting it to staff unless someone else wanted to do it. The commissioners agreed that Ms. Grech would make the changes. The motion was seconded by Mr. Turner. The motion passed unanimously 4-0.

Ms. Grech asked them to take a look at size limitations, aggregate cap in the draft. They needed to decide how they wanted to measure the scale of these projects. It's either acreage coverage (inside the fence) or aggregate cap. Chairman Burner stated he was fine with using 300 acres of acreage coverage as long as they leave the 65% of total acres of the site because of concerns from other localities. In Rockingham County, theirs is based on acreage coverage and from the farmland protection standpoint, they are taking up more land. We need to protect how much land is being used for the solar facility not just land devoted to solar panels. Ms. Grech stated what Chairman Burner just spoke on, the karst terrain, and whether it is allowed by special use in agriculture or not is the most important things they needed to focus on. Ms. Grech suggested the aggregate cap be changed to 300 acres of land vs 500 acres of land. Mr. Turner and Chairman Burner agreed.

Chairman Burner encouraged the commission to think about whether they would like to keep it by special use permit in agriculture and industrial zones and be prepared at the next meeting to discuss.

Ms. Grech stated they also needed to discuss topsoil and the requirement of soil and water testing. She noted she was happy to work on that language but wanted to take into account any opinions the other commissioners had.

C. Review draft of Zoning and Subdivision Ordinance provided by The Berkley Group
Chairman Burner asked to put this on the next meeting agenda for discussion and the commissioners agreed.

Ms. Clatterbuck explained that Drew with The Berkley Group, had reached out to Ms. Moler for an update on the process. Staff explained to them that we have this on every meeting agenda but we have had full agendas and haven't been able to focus on it. She hoped that once the solar ordinance was adopted the commission could focus their attention on getting this project completed.

Open Citizen Comment Period

Clyde Humphry- Mr. Humphrey provided his written comments on the solar ordinance draft. He encouraged the commission to limit the type of panels that can be used based on what they are made out of.

Paul Otto- Mr. Otto congratulated the commission on the fine document; however, there are some additional changes that need to be made. Such as the wording related to the disposal of the panels, topsoil requirements, no definition of scale of output of facilities, and language related to preservation of farmland.

Beth Snider- Ms. Snider thanked the commission for a good document. This could be a model ordinance for Virginia. She has reached out to over 60 counties and a lot of them did not have a good ordinance to start out with and now they are slammed with projects.

Chairman's Report

None

Clerk's Report

Ms. Clatterbuck noted she would be presenting a new rezoning application at the next meeting.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Turner made a motion to adjourn. The motion was seconded by Mr. Smelser. The meeting was adjourned at 9:19 p.m.


Jared Burner, Chairman