

MINUTES
PAGE COUNTY PLANNING COMMISSION
July 25, 2023

Members Present

Catherine Grech, Secretary, District 1
Jared Burner, Chairman, District 3

Chris Adams, District 2
Isaac Smelser, District 4

Members Absent

William Turner, Vice Chairman, District 5

Staff Present

Tracy Clatterbuck

Josh Hahn

Call to Order

Chairman Burner called the July 25, 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. Smelser made a motion to approve the agenda as presented. The motion was seconded by Mr. Adams. The motion passed unanimously (3-0). [Ms. Grech had stepped out of the room at this time.]

Public Hearing

A. Stonyman Agricultural and Forestal District Renewal for 2023

Ms. Clatterbuck stated that the material was the same as what had been presented when it was introduced. Exhibit 1 is an overview map, and a larger version of it is on the wall. It includes parcels that are already in the district, as well as parcels that have applied to be in the district. The ones highlighted in pink are prior applicants who did not reapply to be in the district. As required by state code, all of the applicants who had applied were notified of the public hearing, as well as adjoining landowners. Ms. Clatterbuck did receive some phone calls asking if they needed to do anything, and that was about it. The advisory committee met several times to discuss applications received. As a result, they did recommend to the Planning Commission the parcels that are included in the overview map. She welcomed any questions.

Chairman Burner opened the public hearing at 7:03. Ms. Clatterbuck indicated that there were no speakers. Chairman Burner closed the public hearing at 7:03.

Chairman Burner asked if there was any discussion. There was none. Mr. Smelser made a motion to recommend approval of the Stonyman Agricultural and Forestal District Renewal for 2023, as presented, to the Board of Supervisors. Mr. Adams seconded the motion. Chairman Burner asked for a roll call. The motion passed unanimously (4-0).

New Business

A. Adoption of Minutes- July 11, 2023

Chairman Burner allowed for some time to review the minutes. He asked if there were any changes that needed to be made, and there were no changes recommended. Mr. Smelser made a motion to approve the minutes for July 11, 2023 as presented. Ms. Grech seconded the motion. The motion passed unanimously (4-0).

Unfinished Business

A. Review of the Campground Ordinance Draft

Mr. Hahn reminded the Commission that we did not review the majority of the County Attorney's comments at the last meeting. He noted that the packets included a document outlining one change recommended by staff and endorsed by the County Attorney regarding height restrictions, which resolved comment "MH7" in the draft dated July 20, 2023. The draft ordinance also includes comments that referred to recommendations made by Nina Fox. He recommended the Planning Commission work from the beginning of the draft to review comments.

The first comment regarded the definition for "greenbelt" on Page 2. Ms. Grech stated that the answer to Mr. Helm's second question, which was whether the language referred to the road running into and out of the campground, is "yes." It was agreed that there were no language changes necessary.

The Commission accepted the change on Page 3 to move "transient occupancy" to its appropriate place, alphabetically.

Regarding Ms. Fox's recommendation to allow campgrounds in the C-1 District, Ms. Grech recommended we return to this later in the review discussion.

Regarding Mr. Helm's recommendation for alternative language under the narrative section of the application requirements, "A list of all campgrounds currently owned or being operated as well as those previously owned or operated," Ms. Grech indicated approval. The rest of the Commission agreed.

Regarding transient occupancy under standards, Michael recommended striking the first two sentences and replacing with alternative language: "Only transient occupancy, as defined herein, for campers is permitted. Occupancy exceeding thirty (30) days is prohibited. No camping unit shall be used..." Ms. Grech indicated approval. The rest of the Commission agreed.

Regarding height restrictions on Page 6, Ms. Fox had recommended increasing the maximum height of 25 feet. Ms. Grech stated that there were two options: keep it as it is or take into account Ms. Fox's and Chairman Burner's suggestions to not create exceptions to zoning district height limitations. She suggested just removing the "Height Restrictions" section C(7), since it is already in the zoning ordinance. She asked Mr. Hahn if he had verified the height of the slide at Bluewater and Yogi's, and he said no. Ms. Clatterbuck stated that she believes the Bluewater slide is 31 feet, and she didn't know what the slide at Yogi's is. Ms. Grech stated that the subcommittee's thoughts regarding height restrictions started with cabins, but language regarding a second story replaced that. This language was more about other buildings in the campgrounds or recreational facilities. Mr. Smelser agreed, stating that overall, they were just trying to keep things underneath the tree line, and Ms. Grech agreed. She recommended moving the height restriction language from C(7) to D, and state that "Recreational facilities shall be limited to height of 25 feet." Mr. Smelser stated there is already a height restriction of 35 feet. He asked, while we can be more restrictive, is there a good reason to be more restrictive. Ms. Grech answered that it would be to not have garish colors for slides or other really tall structures protruding the trees, because we are a rural community, and our comprehensive plan states that we are trying to preserve our rural character. She doesn't think that very tall structures are compatible with this, and this was a conversation that we had at the subcommittee level. She suggested that the 25 feet restriction be moved to recreational facilities Things like lodges would be acceptable, but recreational facilities would be limited to 25 feet. She read off the recreational facilities listed currently in section D, and stated she didn't think any of them would need to be higher than 25 feet. Chairman Burner asked if slides would be permitted as part of pools, and there was some discussion. Ms. Clatterbuck stated that she would interpret this as written to allow slides as an accessory to

inground pools. Chairman Burner said his only concern was if we limited recreational facilities to 25 feet, and a separate SUP came in for a taller slide, would the height restriction limit that. There was some clarifying discussion on this. Ms. Grech stated that recreational facilities outside of the list in section D would be a special use, and at some point the Board of Supervisors may direct the Planning Commission to develop regulations for those. Ms. Grech mentioned that this plays into the conversation about allowing campgrounds in the Commercial zone. If we allowed it, there would be no height restriction. Mr. Smelser stated that the fairest thing to do would be to just go with whatever the zoning district requires. Chairman Burner expressed agreement. Ms. Grech stated that the point of supplemental regulations is to make exceptions, and that we are not bound to what the zoning district says. Do we really want to see these tall facilities, such as what she believes Ms. Fox referred to as indoor waterparks? Chairman Burner stated someone right next door could put up a 35-foot structure, and we can't stop them. Ms. Grech stated that a 35-foot house may not be as much of an eyesore as a recreational facility of 35 feet and all kinds of colors. Mr. Adams and Mr. Smelser expressed they preferred to leave it to the district standard. Mr. Hahn asked for clarification that the Planning Commission wanted to strike section C(2) on "Height Restrictions" and not move that language to section D. Ms. Grech asked if we could take a formal motion on this, and Chairman Burner asked for a motion. Mr. Smelser made a motion to strike 128-5-C(7) from the campground ordinance draft dated 7/20/2023. Mr. Adams seconded the motion. Chairman Burner asked for a roll call. Ms. Grech noted that her vote was with the reservation that we should have a limitation on recreational facilities, and she didn't know if that would be a separate motion. Chairman Burner said it would be a separate motion. The motion passed unanimously (4-0). Ms. Grech made a motion that we include a limitation of 25 feet in height for recreational facilities. Chairman Burner asked if there was a second, and there was no second. Therefore, the motion failed.

Mr. Hahn noted that with the removal of section C(7), the County Attorney's and staff's comments regarding base flood elevation are no longer necessary to discuss.

Mr. Hahn moved on to Ms. Fox's recommendation to allow the general public to be allowed to use recreational facilities up to the daily occupancy of the campground. He noted that "daily occupancy" is not defined. Ms. Grech stated that she agreed with what the Chairman said last time, that approved guests would include anybody who the campground approves according to their special use permit. She believed this was understood in the language. Chairman Burner asked Ms. Clatterbuck if she would interpret the language that way, and Ms. Clatterbuck stated yes. There was further discussion about this. Ms. Grech recommended changing the last part of the sentence to "...and guests as approved by the conditions of the SUP...". Mr. Hahn stated he would make that change.

Mr. Hahn moved on to the County Attorney's comments related to kiln-dried wood. Ms. Grech stated that she agreed with the County Attorney's alternative language. Mr. Hahn read this aloud, along with the County Attorney's comments. He noted that Mr. Helm's main issue appeared to be related to enforceability. Chairman Burner stated that the whole reason for this was attempting to prevent invasive pests. Mr. Smelser asked Chairman Burner if he would recognize a speaker from the audience, and Chairman Burner agreed. Charlie Newton stated that guidance from the Department of Forestry is to not transport wood to avoid transporting pests. If it is kiln-dried, then the pests aren't there. If it is Page County wood, don't take it to Madison County or elsewhere. He stated we need to mention that. Mr. Smelser thanked Mr. Newton. There was further discussion regarding enforceability of keeping the firewood within Page County. Ultimately, the Commission agreed on the following language for the last sentence: "Firewood must be kiln-dried or otherwise originate from Page County. All firewood must remain in the campground."

Mr. Hahn moved on to waste and trash disposal. The County Attorney had alternative language that was more specific. Ms. Grech indicated that the recommended language was fine, and the Commission agreed.

Mr. Hahn moved on to language regarding on-site operators. Ms. Fox had recommended that the two references to an on-site operator be changed to “an on-site operator, contracted service, or employee.” He noted that this was related to Ms. Fox’s stated concern that the definition of operator is such that this would essentially require an administration or management-level person to be onsite for 24 hours, and a lot of campgrounds will have a night watchman. Ms. Grech stated that an easy way around this would be Chairman Burner’s recommendation from last time to use “on-site operator or designee.” Mr. Hahn noted that this same wording was originally recommended by Ms. Fox, but he had expressed concern that the wording could conceivably allow campgrounds to designate campers in this role. The Commission accepted Ms. Fox’s recommendation. Mr. Hahn noted that this seemed to resolve the County Attorney’s question in this same section.

Mr. Hahn moved on to Ms. Fox’s recommendation that the requirement for an on-site operator be increased from five or more to ten or more campsites. Ms. Grech stated that when this was discussed in subcommittee, we understood this recommendation originally came from Mr. Weakley, so we ultimately decided to take his recommendation. The Commission decided to keep the language, as is.

Mr. Hahn moved on to the County Attorney’s recommendation regarding location and access. The Commission accepted the County Attorney’s recommended changes to state “...no campground shall be permitted without direct access to a public street...”

Mr. Hahn stated that the last thing to discuss was allowing campgrounds in the C-1 District. Ms. Grech recommended we keep it as is, and if we decide or are directed to include recreational facilities as a separate use, we can come up with specific regulations for that use. If we find that these are not compatible with the campground ordinance, we can change the ordinance at that time. She stated that the only obstacle to allowing campgrounds in C-1 is recreational facilities. There was further discussion. Mr. Hahn stated that as someone who staffed the campground subcommittee, we didn’t really consider the revisions with the idea that it would be allowed in the C-1 district. If the Planning Commission were to consider that, he would probably recommend it go back to subcommittee to consider the possible ramifications. In theory, it’s a good use in C-1. But it currently isn’t, and this would be a big change. Ms. Grech agreed, stating that the subcommittee purposefully avoided this issue because it would have been a can of worms. Mr. Hahn stated that if the current version were to go to the Board, staff would have an opportunity to comment. He would make sure to note that this was discussed at length at the Planning Commission level and request that if the Board feels it should be added to C-1, then staff recommends sending it back to the Planning Commission to reconsider. Chairman Burner agreed, stating that he thinks the draft with tonight’s changes is ready to move on to public hearing.

Ms. Grech stated that we currently have a minimum size of 10 acres in the draft. She had previously asked Ms. Clatterbuck if we had received applications for small, “mom-and-pop” campgrounds, and there was no interest. Nowadays, people just build a cabin and use it as a short-term rental. We may have been trying to make a decision on a false problem. She submitted that we may want to rethink this and have a larger minimum for campgrounds, since there is no interest in smaller campgrounds. Mr. Adams asked why we would need to make a change, and Ms. Grech answered to be congruent with other uses. Mr. Smelser stated he doesn’t think it benefits us anything to raise it. We’ve run the models, and everything looks good. In his opinion, a larger number is cutting someone out and forcing it to be a larger operation.

Mr. Smelser made a motion to send the campground ordinance draft to public hearing at the next available date. Mr. Adams seconded the motion. Chairman Burner asked for a roll call. The motion passed unanimously (4-0).

Ms. Grech asked if Mr. Hahn would provide the Commission with the final text to review before the public hearing, and Mr. Hahn confirmed.

B. Zoning Ordinance Amendment – Quarry Operation

Ms. Grech stated that there was something she wanted to discuss before moving on to Quarry Operations. Chairman Burner had mentioned at the last meeting that he planned to write a letter to the Board of Supervisors asking for more members in the Planning Commission. Chairman Burner stated that he has not had time to write the letter yet. He is also going to get some data from Mr. Hahn to help support his request. Mr. Hahn noted that Ms. Moler did bring this up to the Board of Supervisors during the Administrator's time at the last Board of Supervisors meeting, but that doesn't mean the Chairman shouldn't move forward with a letter to support this request. Ms. Grech asked about the subcommittee that was created last time to work on "procedural" portion of the zoning and subdivision draft. Mr. Hahn stated that he had discussed this with Ms. Clatterbuck, and it was staff's recommendation that the subcommittee work on Article 1 and 2. Mr. Grech asked if next Tuesday would work for Mr. Adams, and he said yes. The consensus was to schedule that meeting at 4 pm. Mr. Hahn confirmed that he would send an email with the agenda.

Chairman Burner returned to Quarry Operations. Mr. Hahn stated that the Commission had requested he contact Matthew Kretsch from Virginia Energy regarding some general questions discussed at the last meeting. Mr. Hahn stated that he requested general feedback from Mr. Kretsch and had included a selection of the draft minutes reading this topic. Mr. Kretsch had responded, offering to attend an upcoming meeting. The next one he is able to attend is the August 8 Regular Meeting. Mr. Hahn requested that the Planning Commission discuss or email him potential questions that he can forward along to Mr. Kretsch in advance of the August 8 meeting so that Mr. Kretsch will have an idea of the kinds of questions he might be asked. Mr. Hahn noted that the Planning Commission had also asked that the draft be forwarded to legal. Mr. Helm was out of the office last week and has not had time to respond. Because of that, and because of this development that Mr. Kretsch would be available to attend a meeting, Mr. Hahn asked Mr. Helm to hold off on providing legal comment, as the draft may change significantly after Mr. Kretsch's feedback.

Chairman Burner asked if Mr. Hahn needed a list of questions tonight, and Mr. Hahn stated that he would record any questions they had, or the Commission members could email him the questions within the next couple of days and he would combine those questions to a single list.

Mr. Hahn noted one correction that Mr. Kretsch had with regards to something Mr. Hahn had stated at a previous meeting. Per Mr. Kretsch: "[O]ur Department will review any applications for a Va. Mineral Mining License from a potential mine operator throughout the state without prior approval from the local governing body. What I may have mentioned to you at one time or another over the phone was that we typically 'recommend' that they receive approval from the local zoning commission prior to submitting an application to our Department." Mr. Hahn stated that he had previously indicated that Virginia Energy required applicants to first work through local approval processes, but this is just something that Virginia Energy recommends to the applicant.

Mr. Hahn also referenced a report that his counterparts in Shenandoah County had found in their own research regarding a potential 1,650 foot setback from active quarries due to particulate matter and increased risk of respiratory issues. He had sent the Planning Commission a link to this

article last week. Chairman Burner asked if it was 1,650 feet from the processing site or the edge of the quarry, and Mr. Hahn said his reading was from the processing site.

Ms. Grech stated that she had done some research, herself. It reminded her of the process with industrial solar; we didn't know much about it, but the more we learned the more concerned we were. The more she looked at the environmental impacts of quarries, the more cautious she became. Warren County requires an environmental impact statement for quarries, and she feels that this would be a good idea to have. We want to look at how other localities that border Shenandoah National Park regulate quarries. There can be a lot of dust and noise created by quarries. She stated that she comes from a mountainous area, and there can be a lot of echoing and reverberation from crushing. She stated that crushing can be anywhere from 90 to 120 dB, and this is not a linear curve. For comparison, this is the sound of a jet plane at 300 feet or a busy street at 30 feet. She is asking more questions than she had at the end of the last meeting. She will have a lot of questions for Mr. Kretsch. She thinks we need to address decommissioning, environmental inventory and impact statement, sound, and particles. Particles from aggregate or silica can be extremely damaging to people's health. She noted that in a bowl-situation, it can accumulate and be toxic. We need to be very careful. She also looked into blasting, which can be heard for miles. In Front Royal, she believes it can be heard from Riverton to the other side of Front Royal. We need to be careful of traffic. Unless we know how the state is regulating traffic, we are not going to know where the loopholes are. We need to do our due diligence.

C. Review and discuss updates to the Page County Zoning Ordinance (Chapter 125)

The Commission discussed and reviewed the proposed use matrix provided by the Berkley Group dated November 3, 2021. The Commission used a document comparing our current uses with Berkley Group's proposal, which also showed further changes proposed by the Planning Commission in recent months. Discussion included two-family dwellings, family day homes, and temporary family health care structures.

Adjourn

Mr. Smelser made a motion to adjourn the meeting. The motion was seconded by Mr. Adams. The meeting was adjourned at 8:27 p.m.


Jared Burner, Chairman