

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**July 26, 2022**

**Members Present**

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

Tom Mitchell, District 2  
William Turner, Vice Chairman, District 5

**Members Absent**

Isaac Smelser, District 4

**Staff Present**

Tracy Clatterbuck

Josh Hahn

**Call to Order**

Chairman Jared Burner called the July 26, 2022 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 7:03 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 live stream. Ms. Clatterbuck conducted an attendance roll call.

**Adoption of Agenda**

Ms. Grech made a motion to accept the agenda as presented. The motion was seconded by Mr. Turner. The motion passed unanimously (4-0).

**New Business**

**A. Adoption of Minutes- June 14, 2022**

Mr. Turner made a motion to approve the June 14, 2022 minutes as presented. The motion was seconded by Ms. Grech. The motion passed unanimously.

**B. Bylaw Review Discussion**

Chairman Burner stated he had requested that staff put this on the agenda for discussion. There is one big issue that we all talk about and that is that we just don't have enough help when it comes to the Planning Commission. Based on how the bylaws are currently written, we cannot have sub-committee meetings because that would constitute a quorum of the meeting based on the current number of commissioners. What he would like to do tonight is take a look at the bylaws and see if there are some adjustments that need to be made, specifically related to how committees functions. If we could change the number of commissioners, we could have sub-committees as part of the commission but it would be a larger workload on the citizens that volunteer to those committees.

Ms. Grech stated she had a few comments:

Article III, 3.1- As that currently reads, it is no longer the case. Ms. Grech stated she would like to see it changed to match the Virginia State Code 15.2-2212.

Article VI, 6.5- As that currently reads, we can't have three for the reasons previously explained. Ms. Grech suggested changing that from three to two. Chairman Burner stated if they changed it to two, then that would not constitute a quorum. If the Board of Supervisors decide to take it back to ten, would that be spreading it too thin? Should we consider a sliding system? Ms. Grech stated

if they did a sliding system and don't explain how it slides, then that gets complicated. Chairman Burner stated he was fine with two, just had the "what if" thought that they would go back to ten commissioners. Mr. Mitchell suggested they change the wording to say no less than two. Chairman Burner stated he felt two was sufficient. One of the commissioners would chair the committee and the other commissioner should be taking notes. Ms. Grech suggested changing it to say shall include two Planning Commission members...and the other commissioners agreed.

Chairman Burner stated he was just trying to figure out a way to delegate and spread the load out because we still have a lot to do. He asked if staff had a rolling list of citizen volunteers that served on these committees. Ms. Clatterbuck explained that the sub-committee meetings were required to be posted for the public and so it just depends on who shows up and participates. Ms. Grech stated that they as commissioners have the right to invite citizens to attend those meetings.

Article IV, 4.4- Ms. Grech stated the impact to not having ten people to be officers restricts the pool of officers very narrowly. It means that someone who hasn't been on the commission very long, with little experience and confidence, reduces the pool to only a few people. If we don't allow the people who are efficient in those positions to renew their term, we will be very quickly becoming an inefficient commission. Does anyone have any suggestions on modifying this? Mr. Turner stated he would like to be able to take the numbers out of it. Ms. Grech stated the easiest way with that being said would be to leave the first sentence intact and use the third sentence and say all officers can serve consecutive terms with no term limits. Chairman Burner stated that they would still have an annual election. Mr. Mitchell agreed with the changes as proposed as well.

Article VII, 7.4- Ms. Grech stated she did not know the commission was allowed to have meetings in executive sessions. She wondered if anyone knew what the allowances were by law that allowed the commission to do that. No one seemed to know. She suggested maybe legal could explain that.

Chairman Burner stated he would like to amend Article IV,5.1 by adding a new line that adds setting the agendas for the meetings with the clerk of the commission to the Chairman duties. It is later mentioned in 9.1 but he feels like it should say that as a duty of the Chairman.

Ms. Grech asked staff to send the proposed changes to legal for feedback.

### **C. Campground Ordinance Review Discussion**

Chairman Burner asked staff to put this on the agenda for discussion. There have been recent issues they have seen with special use permit applications that seemed to have triggered the need for the campground ordinance to be updated. He asked the commissioners to begin taking a look at how they would like to see the ordinance updated.

Mr. Turner stated he would like to see it broken up into different types of campground ordinances. For example, a tent campground, a camper campground, and maybe even a hard sided cabin campground. Chairman Burner agreed that that could be a concept they could think about. Essentially, this is all short term rentals. There may be some rules that overlap in the short term rental section with the campground ordinance. We need to decide where those breaks would be such as what constitutes a primitive campground vs. a traditional campground vs. a rural retreat vs. someone who just has one short term rental. Maybe establishing classes could help us down the road in defining them in the use matrix. Mr. Turner stated one type of campground may be better in one area vs. another area.

Ms. Grech reminded the commission of one of the recent special use permit applications where buffering, fencing, management, etc. was heavily discussed. Just like solar, we had small vs. utility. Same with the campgrounds. Are we going to size them per number of sites, per vehicles, per short term rental product, etc.? Ms. Grech noted that the campground ordinance draft as proposed by the Berkley Group is basically the same as what our current ordinance is.

Chairman Burner asked if staff had any opinions to share regarding campgrounds at this time. Mr. Josh Hahn stated he didn't have anything specific. Something to keep in mind is the state code, our current ordinance, and the proposed ordinance from the consultant. The Board of Supervisors has been talking about this as well and the conversation the commission is having is overlapping what they were saying as well. Staff will have more on that soon with some direction from the Board of Supervisors.

Ms. Grech asked if there was a list of existing campgrounds and Ms. Clatterbuck confirmed. Ms. Grech said she thinks it would be a good idea to have that list. She also wondered if there was a list of existing short term rentals. It would be good to know what we are dealing with in numbers and where they are generally located. Ms. Clatterbuck noted she did not have a list of short term tourist rentals as they are located all over the county. She was told recently there is an estimate of over 500 in operation. Ms. Grech stated that some of the rentals may be operated individually but are they operated under the umbrella of one business. Ms. Clatterbuck asked if she meant one business license. Ms. Grech answered one business entity. For example, Urban Grid creates an LLC for each project. Is that what's happening with the short term rentals? Ms. Clatterbuck explained that some set up each rental under one LLC and some are separate for liability reasons. Ms. Grech stated she realized they couldn't regulate how many licenses are needed but it's something they need to keep in mind in knowing how to proceed. We need to know what the landscapes are looking like before we proceed. We have an inventory of towers and campgrounds but we should have some idea for short term rentals just like wedding venues as well. Mr. Hahn said he would work on something and felt they wouldn't be surprised where the hot spots are located. Chairman Burner stated the hot spots wouldn't shock him, it's how spread out they are. If you have an area of 35 houses and 30 of them are rentals, we are not likely to get complaints about the rentals. However, if you have one rental in the middle of 20 houses, then the criteria may change. Ms. Grech stated that short term rentals and campgrounds are commercial activities and we need to be aware of where our commercial activities are in the county. Where is the line between one short term rental and a commercial activity? Ms. Grech stated she lived in an HOA that says no commercial activity; therefore, we don't want air bnb's. What is the number that tips short term rentals into a commercial activity if the same entity owns more than one? Ms. Clatterbuck pointed out that under the building code, short term rentals are considered residential. She also reminded them that currently a short term rental is permitted by-right in the Residential, Woodland-Conservation, Agriculture, Parks-Recreation, and Commercial districts. They are currently limited to one dwelling per tract of land, but they are by-right uses. Incorporating short term rentals and campground is a concern because of the by-right use in those districts. Chairman Burner asked if they could remove that as a by-right use. If we have short term rentals in a residential area is it competition to a medium income housing? Do we just want to forget everybody and say we just want short term rentals or do we want to provide housing for a labor force in the community? Ms. Grech stated that was a critical point because there is no economic development if there is no place for workers to reside. Which are we going to privilege? That is not a decision that is up to the Planning Commission but it would be interesting to have some answers on that. We can't regulate one without thinking of the other due to the overlap.

### **Unfinished Business**

#### **A. IBR Corporation/HighSpeedLink- Special Use Permit Application**

Mr. Beniamino thanked the commission for their patience during the last meeting. He has provided a revised site plan as requested showing the existing 225 foot tower that is located on the site. They are working with the tower owner to get their specifics and once the application is set for the public hearing, they will provide the commission with a detail of the existing tower, but at this time they feel it is 225 feet. They also provided an email from the tower owner stating the tower is currently at 96% capacity which would mean that if HighSpeedLink would collocate the existing tower would structurally fail. That is why the labeling was left off the plans because he didn't think it mattered. Mr. Beniamino stated he understood that information did matter when it came to the site plan and he apologized for that. Prior to the public hearing, he will also provide an updated application narrative that deals with the zoning ordinance, specifically the section that speaks to multiple towers on a site. He concluded to note he was happy to answer any questions.

Ms. Grech asked who the owner of the existing tower was and Ms. Clatterbuck replied Shenandoah Valley Electric Corporation (SVEC). Ray Pope is who responded in that email about the capacity and he was from SVEC. Ms. Grech asked Mr. Beniamino for clarification on what else he would be providing before the public hearing? Mr. Beniamino responded the narrative. Ms. Grech suggested they schedule the public hearing at a later date once that is received. Mr. Beniamino reminded them this was part of a world broadband project to provide telecommunications and internet facilities to residents who are without those services.

Chairman Burner asked if we had a proposed list of conditions. Ms. Clatterbuck stated there was not a draft in the packet but she could easily pull up one of the previous special use permits for the same thing to be used as a draft guide. Chairman Burner suggested they review the conditions at the next meeting.

Ms. Grech stated she would like some confirmation about the height of the existing tower because we have it in our inventory as 195 feet and Mr. Beniamino is saying its 225 feet. Ms. Grech stated she was not comfortable sending it to public hearing with incomplete information. Ms. Clatterbuck asked if the email from Mr. Pope was not enough evidence for the commission to show that there was no capacity on the existing tower and Ms. Grech replied that she hadn't had time to look at the email. Mr. Beniamino stated beyond requesting a structural detail of the existing tower, that's what they would have. He noted the zoning ordinance doesn't prohibit multiple towers onsite, it just ask for a justification. The more time we spend trying to figure this out before you set the public hearing, is less time you may have to deal with some issues. Chairman Burner asked what the distance was between the existing tower and proposed tower. Mr. Beniamino stated looking at the plan, he would need a scale, but is happy to ask the engineer to put that on the plan. Chairman Burner asked if his tower collapsed, would it interfere with the existing tower. Mr. Beniamino stated he would be able to get that information. He doesn't know how this tower will be designed as far as collapse, but he would have it at the next meeting. He also didn't know what the ordinance required on setbacks between towers. Ms. Clatterbuck noted that the current ordinance didn't have a setback requirement between existing towers.

Ms. Grech stated she wasn't sure she understood the purpose of the capacity in the ordinance to be the same capacity referred to in the email. The capacity referred to in the email is a structural capacity and load meaning it would be too heavy and collapse. She thinks what the ordinance says is a different type of capacity meaning interference. She will have to think to see if they can consider them the same way. The capacity, as far as load is concerned, someone could come back and say well if SVEC agrees to beef up their structure you guys could still locate there, if it's not a question of interference in different terms of capacity. Mr. Beniamino stated that the balancing act the client would have to make here is structural upgrades to the tower which cost

as much, if not more than the actual tower because they are trying to retrofit existing towers. Then, you have to add in rent on that tower for as long as it is in existence. Here where you are talking about structural capacity, yes, that's where Mr. Pope said it's at 96% structural capacity, but if your concern is that existing radio frequency interferes with the radio frequency that the proposed tower is putting off then they can provide documentation such as a radio frequency emissions report or intermodal relations report prior to the building permit is issued. And the engineer will certify no interference in this report. Most ordinances, and if this county does not, they would be comfortable making it a condition, if at any point in time there is found to be interference between one of the two towers, they will correct it immediately. Mr. Beniamino stated it is much cheaper to collocate than to build a new tower. Do you want us to go to SVEC and ask them to put together a structural analysis report, that often times than not, are stamped by an engineer with a lot of calculations, and it's just the engineer stamping and attesting the accuracy of the load bearing on what the tower can actually handle. We can work to get that, he just didn't know how successful they would be because it's someone else's information on their tower, or if the email is sufficient at least in the decision-making process as that is why they went through the expense of designing a new tower.

Ms. Grech stated the public interest the ordinance is trying to satisfy is that we don't have a forest of towers when it's not necessary. We are asking you to do your due diligence in proving the need for another new tower. It's a question of is an email from SVEC enough from a legal perspective. Chairman Burner stated sometimes you have to take things as face value. The person with SVEC has signed off and they aren't going to lie. We can't legally require them to collocate. The economics drive that conversation. Personally, he was satisfied with the email from SVEC saying the tower was at 96% capacity. Ms. Grech asked what evidence we required in the past. Mr. Hahn stated this was pretty consistent with what we've seen in the past. He also added that the county has had projects on that existing tower over the years and it consistently has been at capacity.

Ms. Clatterbuck asked for a quick recap on what the commissioners needed from the applicant. Mr. Beniamino noted the following: updated site plans that detail the height of the existing tower, work with engineer that he adds a note of what telecommunication equipment is on that existing tower, what radio frequency is on the tower currently to see if it interferes with the proposed tower equipment, and an updated narrative for the project. Per Ms. Grech's suggestion, he is going to make an argument from what the email from SVEC actually says.

Chairman Burner asked with the engineers report would that have the collapsible radius in there and Mr. Beniamino said he would make sure that was in there as well. Chairman Burner stated that if they were put in a situation where a third tower needed to be put on the site, in your documentation it will say, for example, it will collapse within a 60-foot radius. If we amend our ordinance to have a tower-to-tower setback, if you are already documented as having a sixty-foot drop pattern, then we know if another tower is added then it can't be within 60 feet. You've already presented that information to us we don't have to come back and ask you for it. He is not sure it's entirely relevant for this project but in the future it may be relevant to new additional towers on this site. Mr. Beniamino stated he thought he had seen a tower foundation report and he would take a look at that tomorrow. He will provide the setback from the existing tower to proposed tower and since there is a foundation report he will give them the number of what the collapsible zone is, and if you are not comfortable with that collapsible zone and want us to change the tower foundation design to be a breakaway tower, he will present that to Alex and that will have to be his decision when he goes to the board if it's something he doesn't want to do he can make that argument to the board from a financial perspective.

Mr. Turner stated he felt they should recommend a collapsible tower because the proposed tower is going to be less than 100 feet from the existing poultry houses onsite. Ms. Grech noted that the code doesn't mention specific criteria that they cannot consider for a special use permit, but as we all know we can consider any conditions we see fit. Although the code does not mention any setbacks other than that of residential, what about the poultry houses. I guess the landowner doesn't seem to be nervous about it? Mr. Beniamino stated that zoning ordinances across the state are different. Those that don't require the internal setback is understood that the landlord (before they sign the lease) understands the risk if the tower would collapse. Most of these towers are designed to collapse upon themselves or within an area of 20 or 30 feet. There is a break typically in the design of the tower. For the existing tower, do you want the fall zone to be to the base of the existing tower or to the fence? Chairman Burner stated the fence could be easier to fix than taking the tower out. Ms. Grech suggested they could schedule the public hearing pending reception of all these documents requested and pending the fact that they want to get the information and decide if they want to include those conditions.

Mr. Mitchell made a motion to send this application to public hearing on August 23, 2022. Mr. Beniamino asked staff for the ad due date, when did she need this information and she replied August 5, 2022. The motion was seconded by Ms. Grech. The motion passed unanimously (4-0).

**B. Review of Sign Ordinance Amendments**

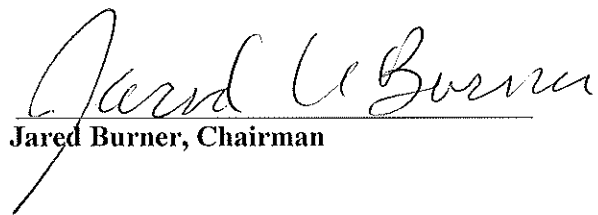
Ms. Grech asked where we last left off and staff replied page eight, Section 125.580 just before exempt signs. She requested that they try to get through the other regulations and leave the off premise sign discussion for another night. The commissioners continued the review of the draft until they got down to the prohibitive sign section. *(Staff note: A copy of the draft language agreed upon by the commissioners is available upon request. In the future, an updated version will be provided to reflect the changes as we are further along in the review of the draft).*

**C. Review of draft of Zoning and Subdivision Ordinance provided by the Berkley Group- discuss proposed prime agriculture district**

Chairman Burner stated that he was almost done with the definition of prime agriculture. He said it's not done but that shouldn't stop them from moving forward. For the next meeting, everyone should come prepared to look at the definitions and the use matrix. Ms. Grech suggested instead they start by looking at the uses for the agriculture uses and what it would look like with prime agriculture, meaning what the difference would be between the two and Chairman Burner agreed. He said they would review prime agriculture and A-1 along with corresponding definitions. Ms. Grech noted the use matrix in the clean version was on pages 62-69.

**Adjourn**

Chairman Burner requested a motion to adjourn the meeting. Mr. Turner made a motion to adjourn. The motion was seconded by Ms. Grech. The meeting was adjourned at 9:32 p.m.

  
Jared Burner, Chairman