

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**August 9, 2022**

**Members Present**

Tom Mitchell, District 2  
Isaac Smelser, District 4

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

**Members Absent**

Catherine Grech, Secretary, District 1

**Staff Present**

Josh Hahn  
Kea Blankenship

Kelly Butler

**Call to Order**

Chairman Jared Burner called the August 9, 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 7:00 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. Mr. Hahn conducted an attendance roll call.

**Adoption of Agenda**

Mr. Turner made a motion to amend the agenda by adding upcoming meeting date discussion under new business. Mr. Smelser seconded the motion. The motion passed unanimously 4-0.

**Citizen Comments on Agenda Items**

None

**Public Hearing**

**A. Floodplain Ordinance Amendments**

Ms. Butler presented the following staff report:

In April 2021, the Planning Commission requested staff review the proposed floodplain ordinance that was created by the Berkley Group..

The proposed ordinance has been prepared only with the intention of meeting the minimum requirements of the FEMA NFIP regulations, FEMA Region III, and the Virginia Uniform Statewide Building Code (USBC). The ordinance has been proposed as a “stand alone” ordinance, apart from the zoning ordinance and the USBC. The advantage of doing this is that one ordinance contains all floodplain development standards. Developers can easily see what is required of them, and FEMA and the state can easily see if the community has adopted the latest requirements. The proposed ordinance has been diligently written and reviewed to ensure coordination with building, zoning, and subdivision requirements. The ordinance has been through a preliminary review with the Department of Conservation and Recreation (DCR) to ensure compliance with NFIP regulations. If/when the ordinance is adopted by the Board of Supervisors, DCR will conduct a review and send the ordinance with any comments to FEMA for review. FEMA will review and make their final determination for approval. Legal review has been completed and has been recommended for adoption as presented. She concluded by requesting that the commission recommend approval to the Board of Supervisors.

Chairman Burner opened the public hearing at 7:05 p.m. There being no speakers, the public hearing was closed at 7:05 p.m.

Mr. Turner made a motion that the Page County Planning Commission recommend approval to the Board of Supervisors of Chapter 135: Floodplain Management as presented. The motion was seconded by Mr. Smelser. The motion passed unanimously (4-0).

### New Business

#### **A. Upcoming meeting date discussion**

Chairman Burner pointed out that the next meeting is scheduled during fair week. Due to the potential for no quorum, he suggested they consider postponing the meeting to another date. Mr. Mitchell made a motion to postpone the next commission meeting until Tuesday, August 30, 2022. Mr. Smelser seconded the motion. The motion passed unanimously (4-0). Mr. Hahn noted that staff would need to verify the meeting room was available. Also noting that the public hearing that was scheduled for August 23, 2022 for HighSpeedLink/IBR Corporation would need to be changed via motion tonight.

### Unfinished Business

#### **A. IBR Corporation/HighSpeedLink- Special Use Permit Application- *Discuss proposed special use permit conditions***

Mr. Smelser made a motion to move the public hearing for HighSpeedLink/IBR Corporation from August 23, 2022 to August 30, 2022 due to the meeting date change. The motion was seconded by Mr. Mitchell. The motion passed unanimously (4-0).

Mr. Hahn noted that Mr. John Daughtrey was participating in the meeting via phone. Mr. Hahn reminded the commission that one of the things requested was to show distances on the site plan from the poultry houses to the proposed tower, along with the distance between existing tower and proposed tower. That information has been provided by the applicant in the updated site plan. Mr. Beniamino has also provided via email, responses regarding the request for an interference report and the availability of making that tower collapsible. He noted that Mr. Daughtrey could speak to that, but HighSpeedLink (HSL) and/or their representative via email said it would not be necessary. Mr. Hahn stated another one of the items Mr. Beniamino mentioned was the existing agreement between HSL and the landowner was such that they understood the risk as part of that arrangement and so there is no need for a collapsible tower. Chairman Burner asked if they had that in writing in the lease that says if the tower falls and lands on the poultry house that the county assumes no liability. Mr. Hahn responded that they had that email from Mr. Beniamino noting that that based on his review of the lease agreement he didn't see that in there but Mr. Daughtrey could probably speak to that. Mr. Daughtrey replied he didn't have the lease agreement in front of him. Mr. Hahn suggested that could be a condition of the permit. Chairman Burner stated he felt the landowner needed to specifically sign off that he understands the risk should the tower collapse and falls on the poultry houses. He would like to have written verification on that. Mr. Turner pointed out that he could sell the place and the next landowner may not have anything on it. Mr. Mitchell asked if Mr. Daughtrey would consider providing that documentation whether it be in the lease agreement or whatever and Mr. Daughtrey stated he would have to take that request back to Mr. Alex Phillips.

Chairman Burner noted that the interference report was provided on the tower project site for Tanners Ridge as it was a condition of the special use permit. In reading the response via email on that request, he didn't seem to be very forthcoming on providing an interference report because according to the applicant the FCC doesn't allow that anyway, but he felt it would be very beneficial to have the interference report between the two towers. Mr. Daughtrey stated he

would take that request back to Mr. Phillips. Chairman Burner explained they were more than likely to add the condition stating the interference report was required prior to the issuance of the building permit.

Chairman Burner stated as another condition they may require the removal of the temporary tower once the permanent tower is built and functional. Mr. Hahn stated that when the Board agreed to allow the temporary tower, it was understood the temporary tower would be removed once the permanent tower was up but it would be good to put it as a condition of the permit.

Chairman Burner asked Mr. Daughtrey what they were proposing for landscaping and fencing. Mr. Daughtrey replied they would follow county guidelines.

Chairman Burner asked if the commissioners had any other conditions that they would like to see in the permit other than written documentation that the landowner understands the risk should the tower collapse and fall onto poultry houses, a copy of the interference report prior to issuance of the building permit, and removal of the temporary tower once permanent tower is up and functioning. The commissioners did not have anything else to add.

#### **B. Bylaw Review Discussion**

Mr. Hahn stated there was a level of confusion or conflict between the subdivision of land ordinance and the bylaws regarding clerk (beginning in 4.1 of the bylaws). Right now, Tracy Clatterbuck, Zoning Administrator, has been appointed by the Board of Supervisors per the subdivision ordinance to be the clerk of the commission. There is some confusion on if the clerk as mentioned in the bylaws is the same position as the clerk of the commission as defined by the subdivision of land ordinance.

Chairman Burner requested staff consult with the county attorney. We don't want to change our bylaws to reference the clerk of the commission and find out those are two separate positions. We just need to know if they are the same positions.

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

Chairman Burner stated they had previously discussed issues related to this. The campground ordinance is a very broad document that is trying to regulate several different types of campgrounds. Some of the special use permits recently for campgrounds are not the same as some of the larger campgrounds that have the recreational facilities. Applying the rules to both isn't fair and that's what we need to be looking at and thinking about in making some changes.

Mr. Mitchell asked if they wanted to create other categories and Chairman Burner stated that is what he would like to see. Maybe it should be referred to as a lodging ordinance instead of a campground ordinance. Short term rentals are one per property, then you have Yogi's Campground that is a larger recreational facility, and the stuff in between. Coming up with different types may be able to give us more control and proper placement of them.

Chairman Burner referenced state code language related to resorts. One is more bordered on a commercial level and the other could be tolerated in patches of the ag community. Mr. Mitchell stated the other side of that was do we want campers all over the community. Chairman Burner stated those are the types of things we need to consider. Mr. Mitchell stated it would be interesting to look at another county that would have it already set up in code. Chairman Burner pointed out that VTC works with a lot of other counties related to tourism. Mr. Turner stated if a farmer owned riverfront property, he may want to supplement his income by developing an area for a campground. Chairman Burner felt those situations are more beneficial to our community

because of the dual use of the land. Page Valley Estates, Good Mill Road, etc. would be great examples, in which he asked Mr. Hahn his opinion. Mr. Hahn stated he agreed and noted that part of those areas would be flood zone. Mr. Turner stated he would rather see a camper in the flood zone that could be pulled out instead of a new home that couldn't be pulled out.

Chairman Burner stated we just needed to get working on the different classes looking at state code. Setting them up by different classes then looking at the use matrix to see where certain classes would be allowed. Page County has a good market for lodging.

Chairman Burner urged the commissioners to be thinking of the different types of campgrounds/lodging and they should be prepared to discuss at the next meeting.

**D. Review of Sign Regulations Amendments**

Chairman Burner stated that Ms. Grech, Ms. Clatterbuck, and Mr. Hahn had met on the sign ordinance draft. Being that Ms. Grech and Ms. Clatterbuck was not present, he would defer to Mr. Hahn. Mr. Hahn stated that Ms. Grech was definitely going to speak to this issue and the results of the meeting. A key point discussed was possibly eliminating the charts entirely. Other than that, just to maintain that we would not allow off-premise signs. Chairman Burner stated he didn't know about eliminating the charts. He agreed based on how they were currently laid out by uses, that it is not relevant- but he liked the charts from a quick glance perspective. Looking at the charts is easier than searching through text.

Mr. Mitchell also brought up the non-conforming signs (Section of 125-584). Chairman Burner stated he felt there are non-conforming off-premise signs and by how that is currently written, they would not be able to replace the sign if someone ran into it and knocked it down. He doesn't think that is fair. He feels like they should be able to put the sign back up. The other commissioners agreed. Mr. Mitchell suggested they wait to discuss this when Ms. Grech was present.

**E. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group-  
*Discuss proposed agriculture use matrix***

Chairman Burner stated they were going to look at the draft use matrix- specifically, agriculture and prime ag. He stated to this day, he has never gotten a good example of what an intensive ag use would be. He isn't sure why it would be by special use permit (SUP) only. Mr. Smelser asked if that would include a large confined feeding operation? Chairman Burner read the proposed definition of intensive agriculture in which it excluded confined feeding operations. The only example he could think of was if you had ten farmers who go together to buy a bunch of grain bins and they all have an equal amount of grain and they use this facility to load out grains because at their farms there isn't enough access room for tractor and trailers. That could be an example of intensive ag operation because it's the sale and storage of product where you don't own more than 20%. Why would you want to limit that by SUP? Mr. Turner said he would have to think about that some. Chairman Burner pointed out that Rockingham allows intensive ag uses by-right. Mr. Mitchell asked when this would be used in Page County. Mr. Turner stated that could be out west somewhere but not likely here. Mr. Mitchell said if there was no reality for it in Page County why mess with it at all? Chairman Burner asked if a processing plant would be considered intense ag? Mr. Turner stated he felt that was different. Mr. Mitchell stated if they left the use in, he would like to keep it by SUP and Mr. Turner agreed. Chairman Burner asked in prime ag too and the commissioners agreed by SUP only.

Chairman Burner asked about agritourism. Mr. Turner stated his opinion was if a farm could make a buck, let them. Mr. Hahn referenced a farm in Staunton that does educational tours, etc.

Chairman Burner asked what if someone turns it into being a horse and pony show and not an agriculture operation? Mr. Mitchell stated he would be doing that to save his farm. He felt it should be by-right in prime ag and agriculture. Mr. Turner stated we should promote farmers being able to have additional income.

Chairman Burner asked about aquaculture. Mr. Turner stated it would never come around here. Chairman Burner suggested leaving it by-right.

Chairman Burner asked about on farm brewery/distillery. Mr. Turner and Mr. Mitchell agreed by-right in the ag districts. Rural residential may be by SUP only.

Chairman Burner asked about farmers markets on prime ag and the commissioners agreed that they should be by-right.

Chairman Burner stated they needed to look at the residential farm/gardening in how that was changed a few months ago.

Chairman Burner stated the biggest difference in prime ag and agriculture is going to be setbacks and how the property can be subdivided.

**Open Citizen Comment Period**

None

**Chairman's Report**

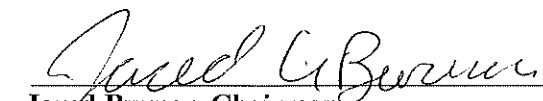
None

**Clerk's Report**

Mr. Hahn stated there was a pending rezoning application that is not considered complete yet.

**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 8:02 p.m.

  
Jared Burner, Chairman

