

MINUTES
PAGE COUNTY PLANNING COMMISSION
September 26, 2023

Members Present

Catherine Grech, Secretary, District 1	Chris Adams, District 2
Jared Burner, Chairman, District 3	Isaac Smelser, District 4
William Turner, Vice Chairman, District 5	

Staff Present

Josh Hahn	Tracy Clatterbuck
-----------	-------------------

Call to Order

Chairman Burner called the September 26 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. Mr. Hahn conducted an attendance roll call.

Adoption of Agenda

Mr. Smelser made a motion to adopt the agenda. Mr. Turner seconded the motion. Ms. Grech noted the Adoption of Minutes on the Agenda incorrectly stated the date as September 14 and should state September 12. The motion failed (0-5). Mr. Smelser made a motion to adopt the agenda with a change of the date of the minutes from September 14 to September 12. Mr. Turner seconded the motion. The motion passed unanimously (5-0).

New Business

A. Adoption of Minutes- September 12, 2023

Mr. Hahn noted the dates listed on the minutes, including at the top of Page 1 and in the header of subsequent pages, needed to be corrected to September 12, and that he had already made those corrections to a new draft. Ms. Grech noted another change on page 12 where the word “shots” should be changed to “quarries.” Mr. Hahn concurred. Mr. Turner made a motion to adopt the minutes as amended. Ms. Grech seconded the motion. The motion passed unanimously (5-0).

B. Zoning and Subdivision Subcommittee Report

Mr. Grech noted the subcommittee met on September 19. They finished reviewing Article 1 and 2, and they are mostly finished, waiting on just a few things from staff. They worked on Section 124.97 regarding Special Use Permits (SUP) and how the Berkley Group proposed to revise the way we regulate them. They had discussed the time the Planning Commission can take to review permits (180 days). They had a general discussion regarding site plans. Right now, we don’t regulate site plans, but the Berkley Group’s version regulates site plans in a lot of detail. We are going from nothing all the way to a lot of detail. So, there is a lot of discussion. She encouraged everyone to think about site plans, especially in relation to what we’re looking at now. She noted she has brought this up in recent SUP discussions; it isn’t to pick on them, it’s because she has more scrutiny regarding site plans based on what we are discussing in subcommittee. Berkley Group recommends a preliminary site plan and a final site plan, and some other terms they are looking into. Right now, we only have a vague interpretation of the final site plan that needs to be substantially in compliance. This sometimes puts a heavy burden on Ms. Clatterbuck on how to interpret this. The Berkley Group has a precise procedure regarding which site plan is required and when, and there is a final adoption of a final site plan. This is something we need to start thinking about. The subcommittee is meeting next Tuesday at 4 PM.

C. Subdivision Subcommittee Report

Mr. Smelser noted the subcommittee met on September 20. They had more general conversation, which including two topics: preserving farmland and affordable housing. They discussed options that would balance both. They reviewed cluster zoning from Shenandoah County, and there were some pros and cons when comparing it to sliding scale. Mr. Klein had looked at some regulations in Pennsylvania, where they are doing divisions based on percentages rather than number of lots, and that is something the subcommittee is exploring. They had also discussed encouraging growth around the towns and within the growth tiers, where it is supposed to be. They are going to reach out to local town managers and staff to see if they would like to come and discuss those plans. Mr. Hahn is going to reach out to Mr. Fox regarding this item. They had another meeting discussed, but this is going to be rescheduled in order to give time to reach out to Town officials.

D. Citizen Volunteers Request

Mr. Hahn noted he had mentioned during the Clerk's time at the last meeting that the Planning Commission bylaws require staff to regularly publish a request for citizens to serve on subcommittees. He stated his intention to publish the following on the county's website: "Page County Planning Commission requests citizen volunteers to serve on Planning Commission subcommittees. Citizen committee members shall be appointed for the duration of the issue under consideration or for the Planning Commission year (February – January)." This was followed by contact information. Mr. Hahn noted this list does not necessarily mean that people will be placed on a subcommittee. This is still at the discretion of the Chairman and Subcommittee Chairpersons, as specified in the bylaws. But he is required to create a list for the Planning Commission to use. Ms. Grech asked if the Planning Commission could invite somebody to serve on a subcommittee who is not on the list. Mr. Hahn said the Planning Commission could still invite people who were not on the list. This just creates a resource for the Planning Commission to use.

Unfinished Business

A. Jeremy Baldwin- Special Use Permit (Discussion)

Ms. Clatterbuck noted Mr. Baldwin was present if there were any questions. At the last meeting, Ms. Grech had asked for photos of the restroom facilities that will be located throughout the campground. Mr. Baldwin had provided photos, and they were displayed on the screen. No other information had been requested. She stated she hoped that the Planning Commission would get into the conditions, which were in the packet for the last meeting. She noted there was a proposed change to the layout, and this was displayed on the screen. Mr. Baldwin is proposing to move cabins identified as C-5, C-6, C-7, and C-8 north of the C1 through C-4 cabins, as roughly sketched in on the site plan. She noted one of the reasons she heard for this change was for the view. She said that she received a question about setbacks for new dwellings from poultry houses. She explained that the CAFO regulations in the county code were just changed in March from a 600-foot setback to a 300-foot setback. This will exceed 300 feet from the poultry house.

Ms. Clatterbuck asked if Mr. Baldwin had anything to add. Mr. Baldwin added that another reason was the cost of the road that would be needed to access these cabins as indicated in the first map. That area is basically a cliffside. Chairman Burner asked if the new cabin locations were in a separate parcel, and Mr. Baldwin said yes. Ms. Grech noted that on the original permit, she did not see number of sites listed, so she assumes that the original site plan in the only reference to the number of sites that were allowed in the original permit. Ms. Clatterbuck confirmed. Ms. Grech stated this means the site plan is very important. She said it would be a good idea to have a new site plan with the location of the new cabins properly laid out. She noted this scale was 1 inch to 500 feet, but the 128-4C of the [campground] ordinance requires complete plans at a minimum scale of 1 inch to 50 feet. She stated she is having difficulty reading the numbers for the sites because they are small. She asked for a larger site plan. There was discussion about the minimum scale. Mr. Hahn referenced some maps at various scales at the same location, illustrating that 1 inch to 50 feet would be quite large. Ms. Grech asked for a compromise: for this one to be blown

up. Mr. Hahn stated he was happy to produce for the Planning Commission whatever they require. He understands the applicant is already working with Racey Engineering to produce his own document. Ms. Grech stated the current site plan was not sufficient for her to review. Chairman Burner asked staff to produce a map on a larger piece of paper for the next meeting. Mr. Hahn stated he would do this.

Ms. Grech stated she visited the campground this morning. Mr. Baldwin was kind enough to show her around. She asked Mr. Baldwin if he intended to do anything with the road, which had been a little rough. Mr. Baldwin explained that the roads are usually better, but it had recently rained. He added that better roads equal faster drivers. Ms. Grech expressed concerns for trailers on the rough roads. There was discussion about possibly adding a condition regarding road standards. Ms. Grech asked how wide the road was, and Mr. Baldwin said 20 feet. She asked if it was two-way, and Mr. Baldwin confirmed.

Ms. Grech noted some of the sites marked on the map as future sites appear to already be developed. There were trailers already in place. She has the impression that this application addresses future developments but also brings existing developments into compliance. Mr. Baldwin stated this was correct. She stated she applauds him for wanting to get it into compliance, but she noted there are trailers in some locations marked as new development.

Ms. Grech stated she was very interested in seeing these porta potty pods in person. She noted an area on the map where she described seeing a forest of porta potties. She asked Mr. Baldwin if every site has a porta potty, and Mr. Baldwin stated yes. She stated if there were more neighbors, they probably wouldn't like this. Ms. Grech asked where Mr. Baldwin dumps the porta potties. Mr. Baldwin stated 99 percent goes to Warren County. The other one percent goes to Shenandoah County. He isn't allowed to dump in Page County. He dumps at wastewater treatment plants. Ms. Grech asked what would happen if any of these would tip and spill, and Mr. Baldwin stated they would clean it up. Ms. Grech asked if it happens often, and Mr. Baldwin said yes. However, all of his are staked down, and he's never had one of his upset. Ms. Grech asked if there is a state of emergency, what would he do with all the port potties. Mr. Baldwin stated he would move them all. He can move them in 45 minutes. Mr. Hahn asked what would trigger him to move them. Mr. Baldwin stated they watch the weather and the river level gauge. He knows what the flood stage is for the property. In the ten years he has been doing it, he thinks he only had to move them once, when there were three rains back-to-back. Ms. Grech asked if he could move the trailers. Mr. Baldwin stated the owners would move them, and if they can't, Mr. Baldwin will move them. Ms. Grech stated this was all she had. She recommended everyone else go see the campground.

Mr. Hahn pulled up the SUP's draft conditions [draft date 9/07/2023] on the screen. Chairman Burner noted conditions 1 through 4 were standard. Regarding condition 5, Ms. Clatterbuck stated there is additional language from the proposed campground ordinance that is before the Planning Commission. Chairman Burner noted no problem with condition 5. Chairman Burner noted condition 6 and 7 were standard. Mr. Smelser asked about condition 6, which stated "No fireworks or firearms shall be permitted within the boundaries of the campground." There was discussion, and the Commissioners agreed to remove the words "or firearms" from the condition. Chairman Burner recommended just leaving this to the operators. Ms. Clatterbuck noted the reference to "night sky" in condition 8 came from the draft campground ordinance. Chairman Burner asked about the security and safety question he had from the previous week. Mr. Hahn said he had reached out to Matt Cronin, the Emergency Services Director, who had no concerns from emergency responder perspective, as responders are equipped with lights. He stated for issues related to potential criminal activity, Mr. Cronin deferred to the Sheriff's Office. Chairman Burner stated he was thinking about safety of campers walking from one site to another if it is not well-lit. Mr. Smelser stated he thinks there is enough wiggle room in there to make sure there is enough lighting. Ms. Grech asked Mr. Baldwin how much lighting he had, and Mr. Baldwin

stated he has none in the campground area, because it is all primitive camping. People bring lanterns and other things.

Ms. Grech stated there was no mention of number of sites. Mr. Smelser suggested discussing additions after reviewing the remaining conditions. Ms. Clatterbuck stated conditions 9 and 10 were pretty standard. Ms. Clatterbuck stated there was another SUP for this property for Mr. Baldwin's river-outfitter business. There was discussion about this about what this restricted. Ms. Clatterbuck stated this condition came from the previous SUP. Ms. Grech stated the outfitter business already exists, the poultry houses exist under right-to-farm, and the campground ordinance prohibits recreational facilities that aren't approved. So, what is this condition trying to address? Ms. Grech stated if we leave this in here, it could be problematic. There was consensus to strike condition 10.

Ms. Clatterbuck stated condition 11 comes from the current SUP. Ms. Grech stated this might be a problem, as it doesn't agree with either the current ordinance or the draft ordinance, which the county attorney had recommended be 30 days in relation to TOT. There was further discussion regarding the proposed definition of transient occupancy. It was noted in Mr. Baldwin's case, he doesn't allow campers for longer than seven days. His current SUP states 120 days. Ms. Grech stated recently the county adopted a new definition of transient occupancy, and she asked if it applies to campgrounds. Ms. Clatterbuck stated her opinion was that it did not, because this was in relation to lodging tax, which is not enforced by us. Ms. Grech stated, so there is no definition for transient occupancy in the current zoning ordinance, and Ms. Clatterbuck stated that was correct. There was more discussion. Chairman Burner asked if we eliminate condition 11 and approve this SUP, and a future ordinance restricts to 30 days of occupancy, would this SUP fall under the new ordinance. Ms. Clatterbuck stated no. Mr. Hahn stated a condition could stipulate 30 days, anticipating eventual passage of a campground ordinance we are discussing tonight. Ms. Clatterbuck asked Mr. Baldwin if he was okay with 30 days, and Mr. Baldwin stated he was. Ms. Grech recommended changing 120 days to 30 consecutive days. There was further discussion. Ms. Clatterbuck asked if it would be better to just use the language from the proposed campground ordinance, which states: "The presence of overnight guest(s) for any period of less than thirty (30) consecutive days in a camping unit for a site, whether the use of the Campsites and facilities is granted gratuitously, or by rental fee." The Commissioners expressed agreement. The Commissioners agreed that 12 through 13 were fine, as worded.

Ms. Grech stated the conditions should address the number of sites, and Ms. Clatterbuck agreed. Ms. Grech stated we may want to add quiet hours. There was discussion about quiet hours with regards to the noise ordinance. Chairman Burner expressed doubt that we could enforce quiet hours within the campground, as the noise ordinance only applies to noise at the property line. Ms. Grech noted quiet hours existed in the current ordinance, and this had not been changed in the draft ordinance. Ms. Grech asked whether we always want to defer to other ordinances, or do we want to allow the possibility of being stricter with rules in an SUP. Mr. Smelser asked Ms. Clatterbuck how she would enforce such a condition. There was agreement that this would be very difficult to enforce, and Ms. Clatterbuck stated this really has to come down to campground management. Ms. Grech suggested we might want to remove this from the ordinance. Ms. Clatterbuck stated if we want to address quiet hours, it should only be in regards to generators. There was more discussion with Mr. Baldwin about how he enforces quiet hours. Ultimately it was decided not to create a condition requiring quiet hours.

Ms. Grech asked if Mr. Baldwin is going to be getting new site plans from Racey Engineering, and Mr. Baldwin said he was waiting on them. There was discussion regarding what scale will be required by the engineers, so that he only has to get one set of plans. Mr. Hahn also said that he has instructions to create a revised site plan as a guide. Ms. Clatterbuck asked if they want a revised site plan before they schedule this for public hearing, and Ms. Grech confirmed. Mr.

Smelser asked when this could be scheduled for public hearing. Ms. Clatterbuck stated it could be scheduled for October 24. Chairman Burner asked when the next meeting was, and Ms. Clatterbuck stated October 10. Chairman Burner stated if he could get revised site plans to staff by October 8, that would give us time to put it in the packet and potentially schedule a public hearing for the last weekend in October. Ms. Grech asked if there was a rush. Mr. Baldwin stated there wasn't a rush except that he would like to have everything ready for their next season. Ms. Grech stated we should wait to set the public hearing once we have the plans. There was more discussion, and Ms. Clatterbuck stated we might need to end up scheduling it for the first meeting for November 14, assuming we have the revised site plan at the next meeting.

Mr. Adams asked a question about the cabins appearance. Mr. Baldwin stated he does not anticipate starting construction on the cabins for two to five years. The cabins will blend in with the surrounding. Ms. Grech stated in past SUPs, they Planning Commission asked for an idea of what the cabins and yurts were going to look like, and for examples. Mr. Baldwin stated he could see about getting a picture of what they anticipate it would be, but this might change by the time they are put in place. Ms. Clatterbuck asked the Commission if they think they will want a specific condition that requires something similar to what he provides. There was further discussion about potential wording of a condition. Ms. Grech recommended the applicant consider a phased-approach. Chairman Burner noted in past SUPs, the conditions were tied to the type of structure, but not really what it would look like. There was discussion regarding whether the cabins would be allowed to have a loft, which the current ordinance may not allow. Mr. Smelser asked Mr. Baldwin to just provide a couple of examples.

B. Review of the Campground Ordinance Draft

Mr. Hahn noted there were just a few remaining comments to go over [on draft 9/21/23]:

- Page 2, Full Cut-Off Light Fixture: He reiterated what he had said earlier regarding the note from Matt Cronin. He stated he could follow up with the Sheriff's Office if they preferred, but there was not a whole lot of concern on that front. Chairman Burner indicated he was satisfied.
- Page 5, Permit Approval: This item was delayed to talk with a full commission, as two people were not present when this was discussed. This item was in regards to substantial compliance, and he noted possible alternate language, which he used from the solar ordinance. He noted even this language might be too difficult to enforce. Ms. Grech stated she agreed, but the 10 percent was less subjective than the existing language. Mr. Hahn agreed. Ms. Grech stated this was a conversation that the subcommittee was having, as the Berkley Group doesn't use language like "substantial compliance." They have clear instructions regarding site plans. There was further discussion on this item. Ms. Clatterbuck offered her opinion on how she would use this alternate language to enforce. She thinks it can be excessive to force applicants to go back through the SUP process for some changes. Ms. Grech stated her concept of this is that in some cases, instead of it coming back to Ms. Clatterbuck, a final site plan would come back before the Planning Commission, should she feel the need. There was more discussion about what this process could look like. Ms. Clatterbuck stated she doesn't like substantial compliance, but she also questions whether a 10 percent change is enough to force an applicant to go back through the process. Chairman Burner asked if we really care if the number of sites don't change and the location changes but still meets the setbacks requirements. Ms. Grech asked why we approve a site plan if we don't care. Ms. Clatterbuck stated it would be to make sure the setbacks, stormwater, erosion and sediment, and things like that are met. She noted when they are before the Planning Commission, a lot of times they won't have engineered plans. Ms. Grech stated she would only speak for herself, but with Bluewater, she thought those engineered plans were in stone, and they were not. This is one of the issues she has. With recreational facilities, it can make a big difference. Chairman Burner said it needs to be vague enough

so that they have some wiggle room. Ms. Grech stated this is really a conversation that we need to be having about the entire zoning ordinance, like we are in subcommittee. The Commission decided not to adjust the existing language and just try to address this at the zoning ordinance level. Ms. Grech stated she thought the conversation needed to be had, especially after one of the comments we received regarding truth-in-advertising. Mr. Hahn said we would be remiss not to acknowledge that this can be a long and expensive process, and we should try avoid having applicants go through it twice. Ms. Grech stated what we are trying to avoid is approving and SUP and the applicant changing the project too much, hence why we should not send it to public hearing unless we have a site plan. She stands firm on that.

- Page 6 and 7, Lighting: The Commission agreed that these comments were resolved.

Mr. Hahn asked if the Planning Commission want to remove quiet hours, in light of discussion earlier in the evening. Ms. Grech stated this is something that was discussed in subcommittee, but we decided to keep it in. There was further discussion. Ms. Grech recommended leaving as is, as it only requires the Planning Commission to consider quiet hours as a condition, not that it has to have them. There was consensus agreement on this.

Chairman Burner asked if staff had all the changes down, and Mr. Hahn agreed. There was discussion on when this was tabled. Chairman Burner stated we needed to bring it off the table.

Ms. Grech asked Mr. Hahn if state-maintained roads should be highways on Page 8. What if it is not a state-maintained road and is part of a subdivision? Should we say highways? Mr. Hahn stated highways would be state-maintained. There was more discussion, and consensus was to strike state-maintained.

There was more confusion about whether this had been tabled at a previous meeting. Chairman Burner asked if there was a motion. Ms. Grech made a motion to accept the campground ordinance as amended and discussed. Mr. Smelser seconded the motion. There was no discussion. Chairman Burner asked for a roll call. The motion passed unanimously (5-0).

[Note: there is more on the campground ordinance near the end of the meeting.]

C. Discussion of Banquet/Event Facilities

[A couple of the microphones lost power about this time, and staff moved some of the microphones around.]

Ms. Hahn explained that there were three documents provided in the packet. One lists the existing definitions of banquet facility and event facility and the existing supplemental regulation for banquet/event facility. Two A.I.-generated documents were also provided in the packets. The first was one that had been generated by Ms. Clatterbuck earlier in the process, and is the version that Ms. Grech referenced the previous meeting. Staff intended these to aid in discussion for the Commission to give guidance on what staff should create for new supplemental regulations.

Chairman Burner suggested that the Commissioners take time, not tonight, to review these documents so that they can give staff some direction. Ms. Grech stated she has some comments that she can mention tonight or hold for the next meeting. Chairman Burner said she could go ahead. Ms. Grech had the following comments:

- If we are regulating banquet and event facilities the same way, why differentiate?
- What are the minimum setbacks from? Buildings? Permanent structures? Temporary tents? Parking areas?
- She doesn't like referring to poultry houses on adjacent properties. She referenced a recent banquet facility.

- She mentioned the references to small, medium, and small scale. The dimensions need to be specified. Mr. Hahn stated these were left blank for the Planning Commission to determine as they saw fit. We had discussed differentiating at the last meeting, which is why this model showed what that might look like.
- Are we going to allow wedding venues out of a tent with porta potties, or are we going to require them to be in a permanent structure with a sewage system or a drainage system or anything in between?
- We need to look at requiring an onsite operator.
- Some of the considerations of the SUP may need to be standards.

Mr. Hahn asked if we might have more discussion on whether we want to see porta potties in a wedding venue. This is a key thing that staff needs to know to create these regulations. There was general discussion about this. Mr. Hahn referenced discussion staff had with the Economic Development Coordinator on this issue, and that it might be helpful to have Ms. Fox at a meeting to discuss this. There was more discussion on whether porta johns were appropriate for a wedding venue. There was also brief discussion regarding tents at wedding venues. Ms. Clatterbuck mentioned that in her experience, the Health Department probably wouldn't allow just porta johns. They might allow them if they have a short-term rental if it's on the same property. Ms. Grech stated if there is a short-term rental that allows occupancy of 20 guests and a wedding venue that allows 125 guests, then you need porta potties for the extra 100 people. That is a lot of porta potties. She asked Mr. Hahn if that was sufficient discussion, and he agreed.

Mr. Hahn noted he just discovered that the campground ordinance had indeed been tabled by Ms. Grech when it was first introduced, and he is noting for the record. Ms. Grech asked if we were procedurally okay. Chairman Burner stated this was stated for the record but we aren't going to go back.

D. Zoning Ordinance Amendment – Quarry Operation

Mr. Hahn requested the Planning Commission allow him to work on a new draft of the Quarry Operation using the items we have discussed over the last several meetings and have that ready to review at the next meeting. Chairman Burner noted agreement.

Adjourn

Mr. Smelser made a motion to adjourn the meeting. The motion was seconded by Mr. Turner. The meeting was adjourned at 8:43 p.m.


Jared Burner, Chairman

