

MINUTES
PAGE COUNTY PLANNING COMMISSION
February 8, 2022

Members Present

Catherine Grech, District 1
Jared Burner, Chairman, District 3
William Turner, Secretary, District 5

Tom Mitchell, District 2
Isaac Smelser, District 4

Members Absent

None

Staff Present

Tracy Clatterbuck

Kelly Butler

Call to Order

Chairman Jared Burner called the February 8, 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. The meeting was live streamed via YouTube. Ms. Clatterbuck conducted an attendance roll call. All members were present.

Adoption of Agenda

Mr. Turner made a motion to adopt the agenda as submitted. Mrs. Grech seconded the motion. The motion passed unanimously.

Citizen Comments on Agenda Items

Ken Jemielly stated that Urban Grid has just been sold for \$650 million. He stated that PJM has placed a two-year pause on considering power purchase agreements. He broke down the solar projects in Virginia in regards to completion, under construction, and ones in the approval process.

Beth Snider stated that if this project is approved the lawyer for the applicant of the Cape Solar project walks away paid and they are left with the long-term risks and devalued property. Since this began four years ago, more than 500 comments have been made publicly. Urban Grid was bought by Brookfield Renewable. They state that Urban Grid will still operate with its existing brand in the US. She stated that is a game changer because Urban Grid will not be in charge.

Chris Anderson stated we still need a solar ordinance to guide solar installations.

Clyde Humphrey stated as this solar application is not significantly different from the one that was denied three years ago, there seems to be no logical reason to even consider this application. Given that it is being considered, you need to consider the conditions and terms and not allow them to be written by the developer. He reminded the commissioners that according to county code if a use is not allowed then the county is prohibited from considering it.

Public Hearing

- A. Jonathan Martinez – Special Use Permit Application
Ms. Clatterbuck provided the following staff report:

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Johnathan Martinez has filed a special use permit (SUP) application to operate a campground located on Kite Hollow Road, Stanley, VA, and further identified by tax map number 82-A-9. The property is zoned as Agriculture (A-1) and contains 47.039 acres. The property is currently vacant. Pursuant to § 125-10 D.(9) of the Page County Zoning Ordinance, campgrounds are only permitted by SUP in the Agriculture (A-1) zoning district.

According to the applicant, phase one will consist of 10 geodesic primitive structures. Each dome will range between 20-30 feet in diameter. Each dome will sleep a max of four people. The campground will have two common bathhouses shared by the units. They plan to hire one full-time employee to operate the campground. The applicant plans to offer lodging every day of the year. No RVs will be allowed onsite.

Staff strongly urges the commission and board to carefully consider any proposed conditions that are attached to the SUP.

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

Virginia Department of Transportation (VDOT) – Per James Craun, there is currently no existing entrance. He has marked an entrance location that meets VDOT's minimum sight requirements. The proposed location along with any site plans/entrance design will require further VDOT review before the issuance of the permit for the entrance.

Page County Health Department- Per Jennifer Jurell, if the SUP is approved, an engineered designed septic plan for this proposal will be required as well as approval from the Virginia Department of Health Office of Drinking Water for a potable water source. Also, a VDH Campground Permit will be required for this proposal before operating.

Page County Building Official- Per James Campbell, he has no objections to the special use. The applicant will be required to obtain proper information on structures and permits will be required.

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."

Fiscal Impact: Refer to Nina Long Fox, Page County Economic Development & Tourism Director.

Ms. Clatterbuck recommended the Page County Planning Commission recommend approval to the BOS for the SUP for tax map number 82-A-9 to operate a campground with the attached SUP conditions.

The applicant has provided a revised set of campground regulations and rules as well as a revised site plan.

Mr. Martinez clarified some things to the commission and the audience. He gave some background on how he and his business partner came about the idea for a campground in Page County and in this specific location. He further clarified their plan for the campground. He explained it will not be a resort type campground, but 10 glamping sites. He addressed caretaking of the site.

Dan Corwin explained he owns the parcel to the west of the proposed campground. This property has always been in agricultural use. The equipment that runs on this road is large farm equipment. He stated that the increased traffic will cause issues. He expressed concern about the clientele that will be staying on the campground in terms of noise and disturbance. He presented a petition in opposition of the campground with 291 signatures to the commission.

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Jeff Good stated he is one of the adjacent landowners to the proposed campground. He stated that in talking with surrounding landowners he found their concerns to be trespassing issues, littering, the narrow road, property management, and guest complaints. He requested that the commission not pass this SUP application.

Doug Sharp stated he is one of the adjoining landowners. He expressed concern about additional congestion on Kite Hollow Rd., littering, the historic red brick house next door, the potential for additional phases, and site selection for the campground.

Bob Haggard expressed concerns about the potential for other phases, guests wandering off site, and ATV use. He wanted to see stronger language in the rules and regulations.

Beth Snider stated that she doesn't typically oppose campgrounds coming to Page County. This SUP is concerning because of the phasing. The domes seem out of character for the area.

Ken Jemielity stated that the nature of domes doesn't seem to be primitive. He expressed concerns about the height of the domes.

Nina Fox stated she wasn't going to speak in favor of or against the campground. She voiced a concern for the Economic Development and Tourism Department the importance of coming up with a true plan for our community in development in areas that are necessary. Tourism and agriculture are two major industries in the county. The way the ordinances are currently written is leaving us very open and vulnerable to proposals that may not fit the areas where we want them. It brings up the point that we do need to have a strong conversation about tourism overlay districts and planning accordingly for that industry here in Page County. She publicly and officially extended the arm of Economic Development and Tourism to the Planning commission that we sit down and have a conversation and figure out what is the right plan. In starting this position, she is shocked to see the number of SUPs, the special considerations, the numerous obstacles. It's not fair to the residents, that we are here to serve and represent, that they be alarmed that their quality of life may change, but it's also not fair to the prospective business investor who comes here, buys land in hopes to develop an enterprise that will be a strong asset to our economy. We are really doing a disservice to them by not having these plans in place.

Betty Cabbage is a resident on Kite Hollow Rd. She had concerns about the road, the disruption to wildlife, the guests using the business being discourteous, crime, noise, theft, burden to law enforcement, fire and rescue, respect for the church on that road, people living alone on the property.

Mrs. Grech stated that she felt they needed to review the information they had received. Mrs. Grech had some questions regarding the caretaker and the size of the bathhouse. Mr. Martinez clarified that the caretaker would be living off-site and the cleaners would be there daily. Mrs. Grech clarified that this SUP application only concerns Phase 1. The applicant will have to come back for any other phases.

Chairman Burner asked Mr. Martinez how many sites they currently have across the United States. Robert Abasolo, business partner to the applicant, listed all the other properties that they own and manage, 17 units. They have other projects that are in the planning or approval phase as well. Mrs. Grech asked how many properties do they have experience managing. They manage 10-15 properties, and Mr. Abasolo teaches or consults on property management across the country.

Chairman Burner asked staff if VDOT had approved the project. Ms. Clatterbuck stated that they had. They will be required to install an entrance. The amount of traffic determines the type of entrance that will trigger. Ms. Clatterbuck reached back out to James Craun at VDOT and explained there were concerns related to

traffic and asked for any suggestions. Basically, they will permit the entrance, but there are no concerns related to traffic. There are no plans for a traffic impact study.

Mrs. Grech asked how tall the structures were. Mr. Martinez indicated 15 feet.

Ms. Clatterbuck clarified that this property is agriculture. And the surrounding properties are either agriculture or woodland conservation. Single family detached dwellings are a by-right use of the property. But this is not a residential zoned area.

Mr. Mitchell asked if this is at the top or bottom of the hill. Staff clarified that it is at the bottom of the hill.

Mr. Turner made a motion to table the application until the next meeting in order for the commission to have more time to think about the application. Mrs. Grech seconded the motion. The motion passed unanimously.

New Business

A. Election of Officers

Mr. Turner nominated Jared Burner for Chairman for a second term. Mrs. Grech seconded the motion. The motion passed unanimously. Mrs. Grech nominated William Turner for Vice Chairman. Mr. Smelser seconded the motion. The motion passed unanimously. Mr. Smelser nominated Catherine Grech for Secretary. Mr. Turner seconded the motion. The motion passed unanimously.

B. Roger Aaron Bogner – Special Use Permit Application

Ms. Clatterbuck presented the following staff report:

Roger Aaron Bogner has filed an application for a SUP to operate a home occupation in an accessory building located at 2535 Bixler's Ferry Road, Luray, and further identified by tax map number 31-A-29. This property contains 3.28 acres and is currently zoned as Agriculture (A-1). The home occupation will be operated out of an existing 30x30 detached accessory building. The proposed business will be a stained-glass studio (retail sales). The applicant initially plans to open to the public 2-3 days per week with the possibility of additional days and hours being added in the future.

Section 125-10 C(3) of the Page County Zoning Ordinance, states that home occupations pursuant to § 125-15 (Home Occupation Regulations) are a permitted accessory use when located on the same lot with the permitted principal use. However, § 125-15 B states that home occupations in accessory buildings are only permitted by SUP.

Staff has attached a copy of § 125-15 (Home Occupation Regulations) of the Page County Zoning Ordinance for requirements described in code that the applicant must comply with, in addition to any conditions that are attached to the SUP.

The applicant reached out to the following agencies for comments:

Virginia Department of Transportation (VDOT) – Per James Craun with VDOT, this property is served by an existing private entrance. This entrance meets VDOT minimum requirements. The proposed use should not have any adverse effect to the VDOT right-of-way.

Health Department- Per Herbert Cormier with the Health Department, their office has no objections to the proposed stained-glass studio.

Building Official- Per James Campbell, Page County Building Official, he has no issues at this time with the proposed use.

This property falls within the "Agricultural Protection Tier" and into the designation of "Farmland of Statewide Importance". Due to the low impact, the proposed business would not change the character of the property/area. Chapter 3, Goal 6, Section 6.2 states, "Encourage economic growth that is compatible with the

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County's rural character while generating a positive net cash flow for the county." Chapter 3, Goal 6, Section 6.12 states, "Enhance the County's tourism and retail base."

The applicant will be required to maintain a Page County business license which will result in tax revenue for the county.

Ms. Clatterbuck recommended making a motion that the Page County Planning Commission hold a public hearing on this SUP application at the March 8, 2022 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204.

Mr. Turner made a motion that the Page County Planning Commission hold a public hearing on this SUP application at the March 8, 2022 Regular Meeting, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia § 15.2-2204. Mr. Mitchell seconded the motion. The motion passed unanimously.

C. 2021 Annual Report

All commissioners were provided a copy of the draft annual report. State code requires the commission make a recommendation on the annual report to the governing body. Mrs. Grech made a motion to recommend approval of the annual report to the BOS. Mr. Smelser seconded the motion. The motion passed unanimously.

D. Adoption of Minutes – December 7, 2021, December 14, 2021, and January 11, 2022

Ms. Clatterbuck asked if the adoption of the minutes could be tabled until some changes are made. Mrs. Grech made a motion to table the minutes. Mr. Turner seconded the motion. The motion passed unanimously.

Unfinished Business

A. Cape Solar, LLC – Special Use Permit Application

Mr. Propes and Mr. Janney were available for questions. Chairman Burner announced that it is time to schedule a public hearing for this application. Mrs. Grech made a motion to set Cape Solar, LLC SUP application for public hearing on March 8, 2022. Mr. Turner seconded the motion. The motion passed unanimously.

Mrs. Grech asked if the public hearing could be held at a larger location because of the anticipated crowd. Ms. Clatterbuck stated that the schools are not an option because of COVID. One of the fire halls may be an option, but the decision is up to administration. Chairman Burner asked Ms. Clatterbuck to check with administration.

Mr. Propes clarified that Urban Grid has been Brookfield Renewables. Urban Grid will continue to operate as Urban Grid. He clarified that the PJM two-year pause will not have an effect on this project. The interconnection service agreement has already been signed for this project. Mr. Propes clarified that the 75-100MW is called the "name plate capacity" of the system that would be connected to the electrical grid. That is the maximum amount that the facility could put onto the grid.

Chairman Burner stated he understood broken panels would be disposed of in dry waste containers as they are hazardous waste. He asked where those dry waste containers would be disposed of. Mr. Propes clarified that a broken panel wouldn't immediately be considered hazardous waste. That would be determined by the type of panel. It may be able to be recycled off-site if not determined to be hazardous waste. If it isn't hazardous waste, but they wanted to dispose of it and not recycle it, it could go in any sanitary landfill. If it is determined to be hazardous waste it would be transported and disposed of in accordance with federal regulations in a special landfill. Mr. Propes stated that the "generator" would be making the determination if something is hazardous waste. That is a defined term under the hazardous waste regulations. The generator is the operator of the solar facility. They can make that determination based on Manufacturer Safety Data Sheets or a TCLP

test. He assured the commission that there are no free-flowing chemicals leaking out of the panels. Mr. Propes offered to check on the exact protocol for disposal of broken panels.

The commission agreed to begin reviewing SUP conditions. The commission discussed condition #1 relating to the length of the SUP. The applicant is fine with 40 years. The commission, and the applicant, asked that Mr. Hahn in GIS create a map showing all the draft conditions as they relate to the land. The commission prefers a chain link fence around the property. The commission stopped reviewing conditions at #9. They would pick up reviewing conditions at the next meeting.

B. Floodplain Ordinance Draft Review

Ms. Butler gave the following staff report: On September 14, 2021 a motion was made by the Planning Commission to have staff send the attached draft floodplain ordinance to the Department of Conservation and Recreation (DCR) for review. I received their comments back on January 18, 2022 with the attached scoring sheet. This scoring sheet compares the model ordinance to our draft ordinance and notes the location of each item in the model and in our draft. As you can see, there were no major items noted. They recommended we expand on one definition, "historical structure," as written in the model ordinance.

The DCR reviewer explained that DCR does a draft review prior to adoption to make sure that there aren't any major edits required before the county agrees to adopt the ordinance. Once the ordinance has been adopted, DCR does their final review to make sure that no major changes have been made, and that the final adopted ordinance includes all of the required sections, including the page that contains signatures for the community adoption. FEMA will review DCRs review comments and make their final determination for approval.

Ms. Butler requested a motion from the Planning Commission to send the ordinance to the county's legal counsel for review before scheduling a public hearing. Mrs. Grech made a motion. Mr. Turner seconded the motion. The motion passed unanimously.

C. Review draft of Zoning and Subdivision Ordinance provided by the Berkley Group – Proposed Zoning Districts

Ms. Clatterbuck stated that Josh Hahn in GIS provided a list of commercial and industrial zoned properties in the County. He also placed this information on a map. Mrs. Nina Long provided information on the industrial zoned property and how it relates to needs of the county. There was discussion on the lack of industrial zoned property in Page County, and poorly located industrial zoned properties. The commission discussed the need, or lack of need, for two commercial and two industrial zoned districts. Chairman Burner asked Mrs. Long if she felt that two of each was needed. She emphasized the need to know what we want to be before deciding on two commercials. She did not see the need for two industrial districts. Chairman Burner asked the Commission to come prepared to make a decision regarding two commercial and two industrial districts at the next meeting.

Open Citizen Comment Period

Beth Snider thanked the commissioners for their work. In reference to the Cape Solar SUP application, she is concerned about the generator making the determinations of haz-mat.

Jane Mangum lives in Old Farms subdivision. She shared a story about reminding us to guard what we love. She wants the commission to pay special attention to the substation in reference to the Cape Solar SUP application.

Paul Otto thanked the commissioners for their work.

Chairman's Report

None

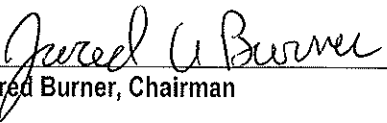
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Clerk's Report

Reminder about the meeting being moved to February 17, 2022. Two new SUP applications are in review.

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Turner made a motion to adjourn. The motion was seconded by Mrs. Grech. The meeting was adjourned at 9:54 p.m.



Jared Burner, Chairman

