

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**April 10, 2018**

**Members Present**

Donnie Middleton, District 2  
Keith Weakley, Vice Chairman, District 3  
Jonathan Comer, Chairman, District 5

Steve Atkins, District 2  
James Holsinger, Secretary, District 4  
Craig Lancto, District 5

**Members Absent**

Bernie Miller, District 1  
James Turner, District 3

Paul Otto, District 1  
Duane Painter, District 4

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Comer called the April 10, 2018, Page County Planning Commission Regular Meeting to order in the Board of Supervisors Room of 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*.

**Adoption of Agenda**

Mr. Lancto made a motion to approve the agenda as presented. The motion was seconded by Mr. Atkins. The motion passed unanimously 6-0.

**Public Hearing**

**A. Jennifer Westhoff- Special Use Permit Application**

Ms. Clatterbuck explained that Jennifer Westhoff has filed an application for a SUP to operate a home occupation that will include private falconry classes in an accessory building located at 1810 Panorama View Drive, Stanley, VA. The parcel, identified by tax map number 59-(A)-27, comprises 5.9372 acres. The property is currently zoned as Woodland-Conservation (W-C). In addition to the existing 12x20 accessory building, this property is improved with her primary residential dwelling and a detached garage.

Ms. Westhoff already has a Page County business license for off-site services. She has been going to schools, day care centers, parks, camps, etc. to provide educational classes and experiences for approximately six years. This special use permit would allow her to provide these services on-site at her residence with the use of the accessory building as a classroom. These services would be provided for small groups by appointment only. She will not be open to the general public for viewing.

Pursuant to §125-15(B)(e) of the Page County Zoning Ordinance, home occupations in an accessory building require a special use permit. The accessory building being used for the business is 240 square feet. The birds will remain housed in enclosures that are attached to the garage and located directly behind the house. Due to low impact, the proposed use will not change the character of the property. There would only be a slight increase of traffic to the general area since the services are offered by appointment only. The largest type of vehicle expected would be the 12-passenger vans (no large school buses). At this time, the applicant does not have any plans to hire additional employees but understands that the code does allow for up to three employees that do not reside on the premises should she change her mind in the future.

The applicant has communicated with Gerald Dovel at the Page County Health Department, Don Williams at the Page County Building Department, and Rodney S. Snider with the Virginia Department of Transportation (VDOT). As you will see on the attached comments, there are no objections to this request.

Adjoining property owners were sent certified public hearing notices on March 27, 2018. As of the date of this memo, staff has not received any written comments back from said property owners. Staff received a phone call from an adjoining neighbor who was concerned that large school buses would be coming to the property. Ms. Westhoff has addressed his concerns with him and staff assumes his concerns have been resolved since he is not at the hearing tonight.

This request is consistent with the Page County Comprehensive Plan. As a home-based business, it will be low impact on existing infrastructure while generating additional revenue for the county, and will also provide educational opportunities to guests. Staff recommends approval with the below conditions to the Board of Supervisors.

1. THIS SPECIAL USE PERMIT IS TRANSFERABLE. IT WILL MEET THE REQUIREMENTS IN AND HAVE PRIVILEGES PROVIDED FOR IN THE PAGE COUNTY ZONING ORDINANCE AND ANY ORDINANCE AMENDMENTS FOR THE PERIOD SET FORTH WITHIN THE PARAMETERS IN THIS SPECIAL USE PERMIT. THE SPECIAL USE PERMIT SHALL REMAIN WITH THE PROPERTY FOR A PERIOD OF FIFTY (50) YEARS.
2. THE BUSINESS SHALL BE IN COMPLIANCE WITH ALL COUNTY AND STATE AGENCY REGULATIONS.
3. THE BUSINESS SHALL APPLY FOR AND MAINTAIN A VALID PAGE COUNTY BUSINESS LICENSE.
4. ANY CHANGE OF USE OR EXPANSION OF THE BUSINESS SPECIFICALLY RELATED TO ADDITIONAL SERVICES OFFERED ON-SITE WILL REQUIRE ANOTHER SPECIAL USE PERMIT.
5. THIS SPECIAL USE PERMIT MAY BE REVOKED UPON MATERIAL NON-COMPLIANCE WITH THE TERMS OF THE PERMIT, OR UPON VIOLATION OF ANY OTHER RELEVANT TERMS OF THE ZONING ORDINANCE OF THE COUNTY OF PAGE, VIRGINIA.
6. THE ZONING ADMINISTRATOR OR DESIGNATED REPRESENTATIVE MAY VISIT THE SITE AT ANY TIME TO ENSURE COMPLIANCE WITH THE SPECIAL USE PERMIT CONDITIONS.

Chairman Comer opened the public hearing at 7:05 p.m.

Morgan Phenix- Mr. Phenix noted he only had a few questions. He stated he had no knowledge of a falconry business. He asked if it was free-flying falcons, and if so, what was their range and what were they allowed to capture, kill, etc. He pointed out that he resided on Mountain View Road which was about 100 yards from Ms. Westhoff's property. The only actual and imagined fear he had about this is he would like to know the weight limit a falcon may carry away, further noting that he had three small Chihuahuas (one being about 3.5 pounds). He knows that the hawks are known to carry away small animals. He would like to know in advance if falcons are going to be flying at a greater distance. Ms. Westhoff replied that she received that question

often from people. Falcons don't want to eat Chihuahuas as they are primarily bird eaters. She is a master falconer in the state of Virginia, and she does have some birds that she hunts with. She really cannot control the range that they fly. She had one that went to New York in two days. She stated she couldn't promise that her birds wouldn't take the Chihuahuas away, but she would be more concerned about the native species that are just living in the woods. It is very rare because they know they are predators. She has seen more injuries on birds of prey from cats and dogs. She said she has heard of cases where some would say they've seen the bird swoop down but in those rare instances those are only really young birds that are starving to death. She pointed out that her birds were not starving to death as they ate at Golden Corral every night. Most of the things she does at the house are with birds that are trained to fly to people. They have been trained to look at people like waiters and waitresses. Mr. Lancto followed up to ask her if she had been doing this on her property for a long time. She explained that she has been flying birds every day since she moved on the property in 2005. The new element is just bringing people to the property now for viewing and education.

Chairman Comer closed the public hearing at 7:10 p.m.

Mr. Holsinger asked if a condition should be added related to limiting the types of vehicles or number of participants on site. Ms. Westhoff said she was okay with limiting the number of participants to 12 since the Building Official had limited her occupancy on the accessory building to that number. Mr. Weakley asked if buses use that road now. She replied that she didn't think so. She thought most of them met at the end of the state-maintained road. Mr. Atkins asked how she knew the missing bird had flown to New York. She explained that she has 40-mile transmitters on her birds. She also puts a reward tag on them. Someone called her asking if she had a tag on her bird and she told him that she did. She then asked him where she could pick the bird up and he informed her he was in Buffalo, New York. The bird had flown down to a bunch of little girls having a pool party and he was trying to pull their ponytails. Ms. Westhoff explained that she wears her hair in a ponytail and she is sure the bird thought it was she. He had gone a few days without food and was more interested in the people. The mother called the police and the police notified a licensed falconer which was who called her.

Mr. Holsinger made a motion to approve the SUP to the Board of Supervisors as written with an additional condition that limited the number of participants to 25 onsite at any one time. Mr. Atkins seconded the motion. The motion passed by a roll call vote of 6-0.

#### Citizen Comments on Agenda Items

None

#### New Business

##### A. Jeremy Baldwin- Special Use Permit Application

Ms. Clatterbuck began by explaining that Jeremy Baldwin has filed an application for a SUP to operate a river outfitter business located at 741 Carvell Road (off Rt. 340 N), Rileyville, VA. The parcels are identified by tax map number 4-(A)-21 (130.05 acres) and 4-(A)-21A (37.09 acres). Both properties are zoned as Woodland-Conservation (W-C). A portion of 4-(A)-21 is located in the floodplain as it joins the Shenandoah River. These properties are currently used for a commercial campground and farming. Both properties are improved with numerous accessory buildings.

A SUP is required to operate the river outfitter business pursuant to § 125-9.D.(2) of the Page County Zoning Ordinance which one for, "*Commercial outdoor recreation areas and facilities: parks (except amusement parks), playgrounds, picnic grounds, swimming clubs, country clubs, golf courses and driving ranges, miniature golf courses; archery; laser tag; paintball; and other similar uses, all pursuant to § 125-22.*"

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Mr. Baldwin currently has a SUP that was granted in 2014 to operate River Run Campground which consists of 45 campsites. The proposed new business would have a separate SUP. The proposed business plans to offer the rental service of tubes, canoes, and kayaks. All rental equipment will be stored inside an existing building located near the check-in station (identified on the attached aerial photo). The business plans to start with 100 tubes, 10 canoes, and 10 kayaks, and will grow inventory with business needs. There is an existing 12x24 structure on the property that is currently used as the campground office. Customers will check-in at the office where they will be given instructions on use and safety of the equipment. They will then proceed to the campground where there will be a designated parking area (purple area identified on the attached aerial photo) available for participants. Participants will then access the river through the boat landing and proceed into the river for their adventure. Once their adventure is over, Mr. Baldwin will offer a shuttle service to pick up customers at the designated location and return them to the parking area within the campground. The hours of operation for the outfitters will be 8:00 a.m. to 7:00 p.m., Monday through Sunday.

The applicant submitted his SUP application for review to Nick Black at the Page County Health Department. Mr. Black returned the following comment: "*This office has no objections to your request for a river outfitters business. Porta Johns will be provided.*" Mr. Baldwin also submitted his application for review to Don Williams at the Page County Building Department. Mr. Williams returned the following comment: "*No objections.*" Finally, Mr. Baldwin also submitted his application for review to Rodney S. Snider with the Virginia Department of Transportation (VDOT). Staff received his comments today which have been provided to the commission. VDOT has no objections to the request. Adjoining property owners will be notified pursuant to state code once the commission schedules the date of the public hearing.

This request is consistent with the Page County Comprehensive Plan. Mr. Baldwin is already operating a successful campground. The proposed business will be low impact on existing infrastructure. Page County is a tourist destination for these types of activities along the Shenandoah River, and should encourage small businesses such as this that complement the existing property. Staff recommends moving the application forward to public hearing at the work session on April 24, 2018.

Mr. Weakley made a motion to schedule Mr. Baldwin's SUP application for public hearing at the April 24, 2018 meeting. Mr. Atkins seconded the motion. The motion passed unanimously 6-0.

**Unfinished Business**

**A. §125-10 Agriculture and §125-63 Violations and penalties Amendments Public Hearing**

Ms. Clatterbuck provided the commission with the drafts going to public hearing at the next meeting on April 24, 2018 for their review.

**B. Zoning Committee Report**

No Report

**C. Comp Plan Committee Report**

Mr. Atkins noted the next meeting was scheduled for April 18, 2018 at 3:00 p.m.

**D. Subdivision Committee Report**

Mr. Weakley explained that Mr. Turner had provided a draft of changes but he had not had time to review.

**E. Sign ordinance Committee Report**

Mr. Lancto noted that the committee finished reviewing the definitions today. The next meeting is scheduled for 10:00 a.m. on April 24, 2018.

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Open Citizen Comment Period

None

Chairman's Report

Chairman Comer reminded the commission we would have a full agenda with public hearings at the next meeting.

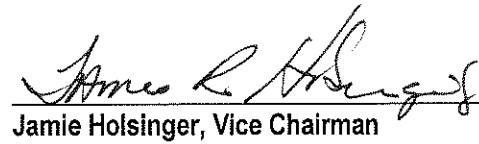
Clerk's Report

Ms. Clatterbuck provided copies of conditional use permits from other localities regarding solar facilities. She is continuing to work with a potential applicant on a couple of solar facilities in the county.

Adjourn

Chairman Comer adjourned the meeting at 7:30 p.m.

  
Jonathan Comer, Chairman

  
Jamie Holsinger, Vice Chairman

