

MINUTES
PAGE COUNTY PLANNING COMMISSION
January 28, 2020

Members Present

Bernie Miller, Vice Chairman, District 1
Donnie Middleton, District 2
James Holsinger, Secretary, District 4
William Turner, District 5

Steve Atkins, District 2
Jared Burner, District 3
Jonathan Comer, District 5

Members Absent

Keith Weakley, Chairman, District 3

David Dean, District 4

Staff Present

Tracy Clatterbuck

Liz Lewis

Call to Order

Mr. Comer called the January 28, 2020 Page County Planning Commission Work Session to order in the Board of Supervisors 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*.

Adoption of Agenda

Mr. Holsinger made a motion to accept the agenda as presented. The motion was seconded by Mr. Miller. The motion passed unanimously.

Public Hearing

A. Amendments to the Page County Comprehensive Plan (Volume I and II)

Mrs. Liz Lewis presented the following memo:

"According to Virginia Code § 15.2-2230, the comprehensive plan must be reviewed by the planning commission once every five years. The planning commission reviews the proposed amendments, holds a public hearing- amends and approves, or disapproves the matter. Upon approval of the amendments, the planning commission then reports its recommendations to the governing body.

Staff recommendation is to approve the Amendments to the Page County Comprehensive Plan Volume 1 and 2 based on the direction of legal counsel documented in the memo dated on January 6, 2020. The memo was provided to the Planning Commission on January 14, 2020.

Since 1980, each Virginia locality has been required to have a comprehensive plan. According to Virginia Code § 15.2-2223, the local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing bode shall adopt a comprehensive plan for the territory under its jurisdiction. A comprehensive plan is general in nature, and with its accompanying maps, charts, and descriptive information, shows the locality's long-range recommendations for the general development of the territory."

Mr. Comer opened the public hearing at 7:07 p.m.

Clyde Humphrey- Mr. Humphrey stated that as a citizen he has observed the workings of the sub-committee that reviewed and put together the Comprehensive Plan. He had the opportunity to help proofread and provide a small bit of editing. He thinks the committee has done an excellent job and he

feels they have an excellent document in front of them. He urged the commission to recommend approval to the Board of Supervisors.

Robert Janney- Mr. Janney noted he was an attorney in Luray. He wanted to address Goal 13 of the Comprehensive Plan. That goal is to promote renewable energy sources. He proceeded to read Policy 13.6. He pointed out that Policy 13.6 does not promote renewable energy but sets an expectation that any utility scale solar proposal will be viewed negatively and subject to limitations that may not be necessary. The zoning special use permit process is used to approve or deny many land uses and is used to ensure projects promote the public health, safety, and welfare. The Comprehensive Plan update shall not include a vague policy nor close renewable energy opportunities with a reference to significant limitations like utility scale solar. Location and design use are routinely addressed at the special use permit and do not need to be addressed in the Comprehensive Plan update. Less is often more. Therefore, Policy 13.6 should be revised to read "encourage utility scale solar facilities which will be regulated through the special use permit process to ensure compatibility with existing and future uses in the same zoning districts." That says basically leave the solar facility uses to be regulated more by the special use permit rather than a policy that discourages utility scale solar energy. He acknowledged there are various viewpoints on utility scale solar facilities. We know that from past applications based on the attention where citizens have come forward. The Commonwealth has developed a plan to encourage utility scale solar development. Other Virginia communities have expressed interest and have developed responsible ordinances and policies to mitigate the potential impacts. The Planning Commission should take steps to allow solar facilities and to further the Commonwealth goals. He encouraged the commission to consider his suggestion as a way to improve the Comprehensive Plan.

Cathy Grech- Ms. Grech stated unlike Mr. Janney, who she believes is representing Mr. Houser who is an interested party in these proceedings, she is not. She has no ace in the game. She couldn't disagree more with what Mr. Janney just told the commission. He basically just told you that you don't need an ordinance despite the fact the Board of Supervisors has directed the commission to write one. He seems to suggest the special use permit process is enough. She suggests to the commission that it is not enough. We went through 1.5 years of proceedings which were costly to the county. The fees didn't even begin to cover the cost, let alone pay the attorneys bill, and unless you want to repeat that process she urged them to adopt a policy/ordinance which will expand on what is specified in the ordinance. She concurs with the county attorney's memo to Liz Lewis, copied to Amity Moler, that many of the points made are in this document. She encouraged them to approve the draft without hesitation because the commission is offering the protection they need against industrial solar taking over our county. Urban Grid has renewed its option on Mr. Houser's land so it's not as if the danger has been put to rest. She encouraged the commission to think about all of this and adopt the document in front of them.

Kenneth Jemelity- Mr. Jemelity stated he concurred with Ms. Grech. He wanted to also address Policy 13.3 in which he proceeded to read. He felt that the word "discourage" was not quite strong enough because the current crop of turbines being produced are as much as 600 feet tall. That is two football fields sticking up in midair. There is no place you could put one of these and not be able to see it here. They will want to put them on the hills where the wind is too. He felt it would be awful to drive down 340 to look to your left and right and see 600 foot windmills. He has no problem with people putting a windmill on their property to serve their needs. Research has proved that the turbines will rarely pay back in electricity. Plus, the blades can't be recycled and they are starting to fill up landfills now.

Beth Snider- Ms. Snider stated she knew at least one of the members of the committee has worked hard to try to put in some protections despite what some of the other members have inserted for

whatever their reasons. She thinks we do need to limit the number of these projects coming. Do you want Page County to become a solar ghetto? We need to have a strong ordinance with protections in place. From her point of view, her land will go down in value with this monstrosity that is proposed. They aren't going away. She feels there are several in the hopper waiting for the county stamp of approval on this. They will be back. She wasn't allowed to speak at the previous meeting but she hoped she would be allowed at some point so she could give some points on the topics discussed. She would hope that some would go visit other localities that have industrial solar sites. They are ugly and they are a mess. In Essex County, the run off, the mud, the destruction. In Spotsylvania, they are struggling to get the companies to abide by the rules the county put in place. Has anyone contacted other localities that have gone through this? Has anybody done their due diligence? She would hope they would do that before they subject the county to opening up the doors too wide to let these things in here.

Kris Garrett- Mrs. Garrett thanked the commission for the opportunity to speak. She noted she had been kind of out of the loop with a lot of this. She was hoping that the denial of the big project [would mean] we were done with this but here we are again. She concurred with everything Ms. Grech previously stated. She also would like to point out Ms. Snider. She submits tons of information to the Board of Supervisors and hopefully to the commission too. If you haven't taken the time to sit with her, call her up. Let her show you the information that she has. There are many articles on how large scale industrial sites are damaging communities, towns, and counties. It is just not something we would like to have in our community. This is the public hearing tonight and she questioned where everybody was at. Is there a way to get this out to people? Maybe have a seminar. Get these people involved. She didn't know this was taking place tonight until Ms. Snider called her. She would love to have more input. She guaranteed that if you went out into the community you would hear a lot of similar comments and she was sorry they were not here to express that to the commission. She would like to see in the Comprehensive Plan that any commissioner or Board or Supervisor who approves a large scale industrial site or who believes this would be good for our community, for 10 years should not be allowed to put one on their own property. She didn't know how the wording would work but felt it was a conflict of interest for anybody who votes for large scale solar utility to then put it on their property.

Charles Newton- Mr. Newton stated he had been involved with updates to the Comprehensive Plan for the last 10 years. He hoped the commission would approve the draft as written. He stated he felt Mr. Janney's request to the Comprehensive Plan was not needed. The present policy he objected to as written will allow the county to develop a helpful solar ordinance. There is nothing that is going to restrict us in how we come up with a solar ordinance that supports this. He believed the solar ordinance would support allowing Page County to become a major power source for our future. He urged the commission to recommend the current draft to the Board of Supervisors.

Mr. Comer closed the public hearing at 7:20 p.m.

Mr. Comer reminded everyone that this is for the whole Comprehensive Plan for the county. Most of what the citizens have talked about is the parts that deal with the solar ordinance. This is not just about solar. This is everything zoning related for the county.

Mr. Comer asked Mrs. Lewis to summarize the two motions listed in the memo provided to the commission. [Motion 1: I move that the Planning Commission approve the amendments to the Page County Comprehensive Plan based on the direction of legal counsel documented in the memo dated on January 6, 2020. OR Motion 2: I move that the Planning Commission approve the amendments to the Page County Comprehensive Plan as presented.] Mrs. Lewis explained the first motion was what our legal counsel has recommended which is important to note because our legal counsel will be presiding over the meeting with the Board of Supervisors. The second motion is presenting the amendments to

the Comprehensive Plan as drafted. Mr. Comer questioned that "as presented" on the second motion was what was on the overhead projector. Mrs. Lewis replied yes, noting that it included everything that they have reviewed in the last month which has all been updated.

Mr. Holsinger made a motion to forward this to the Board of Supervisors. He was assuming this was the recommendation that staff made. They [the commission] have studied two. This is the recommendation that staff made. He noted it was difficult to substitute the pages in especially when its printed on front and back as won't let you do that. Nonetheless, it was a great effort. He hoped they would vote on that tonight.

Mr. Comer asked for everyone's benefit was he making motion number one or two? Do you want that or that plus this? Mr. Holsinger replied he thought they would be foolish not to include legal review. Mr. Comer pointed out for clarification that meant Mr. Holsinger was speaking of motion number one. The motion was seconded by Mr. Miller. The motion passed unanimously 7-0.

Mr. Comer asked Mr. Paul Otto to stand. He noted that Mr. Otto had been working on this for a long time so since he is temporarily not up here with us, Mr. Comer asked if everyone would give him a round of applause. Mr. Comer noted it had been more than seven years so he was glad they were finally sending it up to the Board of Supervisors.

New Business

None

Unfinished Business

A. Sub-Committee Reports

Solar Ordinance Sub-Committee- Mr. Holsinger noted the sub-committee met today. They looked at approximately 10 issues. He felt they made good progress today. They are taking up issues that people have issues with different sides. The next meeting is scheduled for February 4, 2020 at 4:45 p.m. in the Small Conference Room. He reminded everyone that once the full commission has processed the sub-committees recommendations there will be lots of opportunity to comment on this recommendation only item to the Board of Supervisors.

Chairman's Report

Mr. Comer reminded everyone of the 2020 schedule of the Planning Commissioner course in which the first one is coming up in Harrisonburg.

Mr. Holsinger also reminded the commissioners that their Conflict of Interest Statements are due to administration.

Clerk's Report

None

Adjourn

Mr. Comer adjourned the meeting at 7:28 p.m.


Jonathan Comer, Acting Chairman


Jamie Holsinger, Secretary