

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**March 5, 2020**

**Members Present**

Bernie Miller, Chairman, District 1  
Steve Atkins, District 2  
James Holsinger, Secretary, District 4  
Jonathan Comer, District 5

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

**Members Absent**

Keith Weakley, District 3  
David Dean, District 4

Donnie Middleton, District 2

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Mr. Miller called the March 5, 2020 Page County Planning Commission Special Meeting 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*.

**Unfinished Business**

- A. Review and discussion of the draft solar ordinance regulations prepared by the Berkley Group**  
Mr. Miller noted that at the last meeting the commission reviewed the draft line item-by-line item that was provided by the Berkley Group, in which they stopped at the end of Section 125-73. Tonight, the commission would resume at Section 125-74 of the draft and continue the line-by-line item review.

Mr. Miller reminded the commission that under Section 125-73(f), there was a suggestion that the commission consider changing the number of years that the cost estimate should be calculated, suggesting that number be reduced to possibly three years instead of five years. Mr. Miller asked Mr. Comer what he thought about that since he was not present during the discussion. Mr. Comer stated he didn't think it made a whole lot of difference. Basically, they will do some sort of evaluation of the numbers. In theory, they will use the same calculation whether it was three or five years. Mr. Miller then proceeded to request a roll call vote from the commission on whether they wanted to keep it at three years or five years. After a roll call vote, it was decided to keep it at 5 years. (Atkins- 5 years, Turner- 5 years, Holsinger- 5 years, Comer- 5 years, Burner- 5 years, Grech- 3 years, Miller- 5 years)

Mr. Miller proceeded to read Section 125-74. He then asked the commission if they had any proposed changes to this section. Ms. Grech asked if the county could require the meeting be recorded. Mr. Holsinger noted that this neighborhood meeting would not take the place of the public hearing as this was something the applicant was responsible for handling. He didn't see how the county could require them to record it.

Mr. Miller proceeded to read Section 125-75(a)1-10. He then asked the commission if they had any proposed changes to this section. Mr. Comer asked if in #6 and # 7 should it be shall or shall not. Ms. Grech replied that she interpreted that to mean the facility must be located at least one mile from town boundary but cannot be located within the services areas. Mr. Holsinger stated that he felt that didn't make sense and jumping to #9 made it make even less sense. He also suggested the commission take a look and carefully consider all the "shalls" in this section.

Mr. Miller started at #1, asking how the commissioners felt about this one. Mr. Holsinger reviewed the sub-committee comments provided on the draft. He suggested they make a statement regarding rooftop solar vs. ground mounted solar. Rooftop solar probably doesn't need the same regulations that ground mounted solar would. Mr. Burner stated that rooftop solar should have its own separate section. Mr. Holsinger suggested the following changes: **\*\*proposed changes in red\*\***

*The minimum area of a utility-scale solar facility shall be 2 acres, and the maximum area shall be less than 500 acres, including the required open space. This includes only ground mounted solar and not rooftop solar.*

Chairman Miller requested a roll call vote on the proposed change. The commission agreed on the change. (Atkins- yes, Turner- yes, Holsinger- yes, Grech- yes, Comer- yes, Burner- yes, Miller- yes)

Ms. Grech requested the commission discuss the 500 acres mentioned in #1 recommending that be reduced to 250 acres based on the concern of protecting viewsheds, citizen concern, property values, etc. Mr. Miller stated he felt 500 acres was adequate based on how much land is actually needed to set up a facility. Mr. Comer and Mr. Holsinger suggested the commission hear the explanation from the consultants face-to-face on why they think the magic number should be 500 acres.

Mr. Miller proceeded to read #2. He questioned what did the maximum acreage include, how did they come up with the percent, and why would they want to put a limitation on this. Mr. Comer stated he thought they probably just plugged a number in there and it may not have been based on anything. Ms. Grech suggested one of the reasons was probably related to water runoff and stormwater management. Mr. Miller asked if the state code dictated the percentage and Ms. Clatterbuck responded no, as that was up to the local ordinance. She noted that in their packets she had provided a copy of an email from the consultants asking whether or not the percent coverage area should be removed in which the consultant recommended leaving that in the ordinance (see email provided in packets).

Mr. Miller proceeded to read #3. He questioned what and where are identified planning areas. Mr. Holsinger suggested #3 be removed. Ms. Grech suggested we ask the consultant what an "identified planning area" meant. The commission agreed with Ms. Grech.

Mr. Miller proceeded to read #4. He also questioned what that meant. Mr. Comer recommended taking out "shall" and allow the special use permit process to address that. Mr. Holsinger stated he wouldn't mention forest vs. agriculture. Ms. Grech suggested maybe they meant land near the parks located within the county. Mr. Holsinger noted there would be no point in saying that here then because the county has no control over park land. Forested areas are generally in the foothills. Ms. Grech noted that any ordinance we come up with needs to support the Comp Plan. Mr. Holsinger replied that we had the same discussion in the Comp Plan over "shall" which we decided to eliminate, but now all these "shalls" are back in the ordinance. Mr. Miller stated he felt they needed to leave the ordinance flexible for the special use permit process review. Mr. Holsinger suggested they find a way to reword (shalls) or eliminate some of the minimum development standards #1-10 so that utility scale solar is at least possible. Mr. Comer noted if that was his motion then he seconded the motion. Mr. Holsinger stated that was his motion. By using "shall not" that does not allow for solar projects to even get to the level of the special use permit review. Ms. Grech noted that the subsection was titled "minimum development standards" and she didn't see the point of having the section if they were only going to be recommendations and not requirements. The whole purpose of having an ordinance is to put limits and minimum standards. If you take the shalls off then you have an ordinance that has no purpose or teeth. The Comp Plan is only a guide; however, the ordinance is the law. If you want to pass an ordinance with no teeth and go back to the special use permit dictating what is or is not required, then we saw with the last applications that doesn't work. We spent 18 months examining those permits at a cost that has never been disclosed but her estimate of hours, attorney fees, commission and board meetings, staff,

etc. she would estimate that cost at a quarter of a million dollars and the county was only paid \$950 per application. The whole special use process cost us a lot. The purpose of the ordinance is so that process is guided with laws on the books. Mr. Holsinger stated that would be true if you had an ordinance and no special use permit. I am sure that there will be the requirement of the special use permit and with that it is a hollow argument because you would be better off to determine the regulations once you know the specific property. Ms. Grech stated she disagreed. The commission has been ordered by the board to develop a solar ordinance. Mr. Comer asked if it would be best to strike several of these minimum development standards. Mr. Miller stated his opinion of the standards was that they were very restrictive and basically eliminated the possibility of utility scale solar in the county. Mr. Turner stated if he were interested in doing a utility scale solar facility and someone gave him this draft document as law, he would not even consider proceeding with the project because it is so restrictive. Mr. Holsinger withdrew his previously mentioned motion and suggested the commission discuss each one of these standards. Mr. Burner stated that the standard has to have a quantity factor. The problem is you have a bunch of "shall" that reference a vague matter. Most of these items already are addressed in the Comp Plan. If it doesn't have a number associated and it is just a vague reference then it needs to be deleted. With that being said, Mr. Comer made a motion that the commission strike #3, #4, #5, #7, and #10. Maybe #7 you could rope into #6 if you wanted too. Mr. Holsinger seconded the motion. Ms. Grech suggested not striking them and instead asking the consultant to quantify them. Chairman Miller requested a roll call vote. The consensus of the commission was to remove the numbers as mentioned above. (Burner- yes, Comer- yes, Grech- no, Holsinger- yes, Turner- yes, Atkins- no, Miller- yes) After further discussion, the commission agreed to revisit #6, #8, and #9 at a later date. Ms. Grech stated she had several additional minimum development standards she would like the commission to consider adding to this section. 1) Maximum duration of special use permit in the ordinance 2) Are we going to consider road frontage setbacks so that corridors are protected

Mr. Miller proceeded to read Section 125-75(b), in which no commissioners had any suggested changes.

Mr. Miller proceeded to read Section 125-75(c). He asked what the sub-committee recommendations were on this. Mr. Holsinger stated that the sub-committee recommended that internal setbacks not apply to internal boundary lines. They also recommend that the setbacks be minimal in the ordinance and then specific in the special use permit review process. He further noted that back to the discussion of what is included in the maximum area mentioned in the draft under 125-75(a)1, substation and switchyards should have setbacks which are not mentioned in the draft from the consultant. Mr. Miller stated he felt the screening was a bigger issue than necessarily extensive setbacks. He thinks a berm is a quick fix instead of waiting for trees to take years to grow. Mr. Holsinger noted that berms are not necessarily attractive and the county has done that with the school. Ms. Grech agreed that internal setbacks should not apply. She thinks that the substation setbacks should be different than property line setbacks. She reminded the commission that the substation will be deeded off separately to the utility company and once that is done, the county cannot put regulations on it; therefore, any regulations for buffering, setbacks, etc. should be done prior to that being deeded to the utility company. After further discussion, Mr. Comer recommended the following changes: **\*\*proposed changed in red\*\***

*(c) The minimum setback to property lines of parcels with dwellings shall be 200 feet. The minimum setback to all other property lines shall be 150 feet. All substations and utility switchyards and any other associated equipment must also comply with these minimum setbacks. However, these setbacks do not apply to internal lot lines that are included in the project.*

Chairman Miller requested a roll call vote. The consensus of the commission was to change this as noted above. (Burner- yes, Comer- yes, Grech- yes, Holsinger- yes, Turner- yes, Atkins- yes, Miller- yes)

Chairman Miller proceeded to read Section 125-75(d). Ms. Grech asked why the consultants put in the maximum height of the lowest edge and not the highest edge which seems it would be more critical. She suggested the commission carefully consider height restrictions as these companies will get creative in figuring out ways to add more panels through height.

Ms. Grech brought up the issue of concept plans which are very vague vs. site plans. We saw those issues with the last company that presented because they couldn't give us concrete plans as far as location of panels, height, etc. Mr. Holsinger noted that in Page County site plans aren't much better. Mr. Miller agreed that the site plans need to be more concrete as far as location of panels, types of panels, etc. Mr. Holsinger stated that we could put that on the engineer that is drawing the plans. Mr. Comer noted that with a site plan you are just checking to make sure the plan meets the minimum standards. Ms. Grech said she understood what Mr. Holsinger was saying; however, most of the engineers drawing these will not be from Page County, and there is a certain language in the planning community. A concept plan is more vague than a site plan in the planning community. After discussion, no proposed changes were suggested.

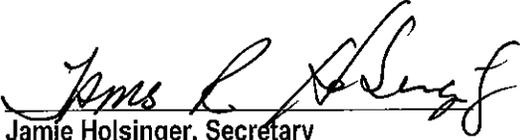
Chairman Miller proceeded to read Section 125-75(e). No changes were recommended.

Chairman Miller stated at the next meeting they would begin at Section 125-75(f). Also, there will be an open citizen comment period. Ms. Clatterback requested that the citizens submit their comments/suggestions on the draft in writing by the next meeting.

Adjourn

Mr. Miller adjourned the meeting at 9:21 p.m.

  
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Bernie Miller, Chairman

  
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Jamie Holsinger, Secretary