

MINUTES
PAGE COUNTY PLANNING COMMISSION
March 8, 2022

Members Present

Catherine Grech, Secretary, District 1
Jared Burner, Chairman, District 3

Tom Mitchell, District 2
Isaac Smelser, District 4

Members Absent

William Turner, Vice Chairman, District 5

Staff Present

Tracy Clatterbuck

Kelly Butler

Call to Order

Chairman Jared Burner called the March 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. He also stated that there was a three-minute time limit for citizens that sign up to speak. He requested that everyone be respectful. The meeting was available via zoom. Ms. Clatterbuck conducted an attendance roll call.

Adoption of Agenda

Chairman Burner stated the agenda needed to be amended to add under new business a zoning ordinance amendment and an agriculture/residential ordinance. Mr. Mitchell made a motion to amend the agenda as stated. Mrs. Grech seconded the motion. The motion passed unanimously 4-0.

Citizen Comments on Agenda Items

Ken Farkas stated he was going to be blunt and to the point regarding the Cape Solar project. He questioned the integrity, intelligence, and loyalty to the citizens of the county if any board or commission member willingly sacrifices the ecological and economic well-being of the county so that some liberal Northern Virginia billionaire can have green power. If they need it so bad put it in there backyard not mine.

Public Hearing

A. Rodger Aaron Bogner-- Special Use Permit Application

Ms. Clatterbuck provided 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 Bixlers 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 comment:

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 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 explained she received a phone call today from someone that knew Mr. Bogner and his work, etc. and they were very supportive of the proposed business.

Staff recommends that the Page County Planning Commission recommend approval of the special use permit to operate a home occupation in an accessory building located at 2535 Bixlers Ferry Road, Luray, and further identified by tax map number 31-A-29, with the attached conditions.

Chairman Burner opened the public hearing at 7:06 p.m. There being no speakers the public hearing was closed.

Ms. Grech made a motion to recommend approval of the special use permit as presented. The motion was seconded by Mr. Mitchell. The motion passed unanimously 4-0.

B. Cape Solar, LLC- Special Use Permit Application

Mr. Propes began by introducing himself and doing a brief presentation on the Cape Solar project addressing the following: the company, overview of the proposed site, community and economic benefits, demonstrate that solar is safe and reliable, and a clean energy source, discuss draft conditions, and sharing some visuals of the project.

Chairman Burner opened the public hearing at 7:29 p.m.

Ms. Clatterbuck noted for the record we would not be reading all of the written comments provided as all commissioners have been provided copies. She proceeded to read the names of people who

submitted comments also noting whether they had objections to the project or supported the project (copies are included in the file and available via freedom of information request).

Jane Judy- She opposed the project due to the beauty of the county and concerns related to the loss of farmland.

Mike Bryant- He opposed the project due to the beauty. This will affect our economy and tourism. Page County citizens don't want this and you should be catering to what the citizens of the county want. We need to focus on our downtown areas for tourism. We don't need to trash our agriculture land. It will look like a dump.

Beth Snider- She opposed the project due to concerns related to prime soils and agriculture land. She encouraged others to look at other solar projects that are in operation as they do not look like what Mr. Prope has provided in his visuals.

Kenny Jemely- He opposed the project due to concerns related to the PJM interconnection study, the return of agriculture land once the project is removed, and battery storage.

Ken Farkas- He opposed the project due to loss of agriculture land, water supply concerns, hazards of the proposed facility, etc.

Kris Garrett- She opposed the project for many reasons. She doesn't understand why the applicant is still here trying to get this project approved.

Susan Trobough- She opposed the project due to various concerns related to beauty of the county and tourism. She has a cabin rental business and has had tourist from all over the world. Her guests always comment on the beauty of the county and she doesn't want it ruined with solar farms. Page County needs to know their worth.

Cathy Herbert- She opposed the project due to the karst concerns, water system damage, ground water quality, etc.

Mike Kimes- He opposed the project due to tourism concerns, beauty of the county, etc.

Kay Kelley- She opposed the project due to the beauty of the county and it's not going to help the citizens that are here.

Bonnie Snyder- She opposed the project for many reasons. She spoke on the lack of jobs in the county and the fact this project will not produce jobs.

Dalton Good- He opposed the project due to the beauty of Page County and concerns with water contamination of the trout.

Nina Wolf- She is opposed to the project. She spoke on the pending lawsuit in Frederick County. We need to not let Cape Solar tell us what we are going to require.

Paula Atwood- She is opposed to the project due to the beauty of Page County. She spoke of the first time she came to the county and saw the mountains and was in awe.

Robert Depew- He is opposed to the project. The panels will be visible from his back door. He agrees with what the citizens prior to him have said. With the overwhelming lack of support from citizens, what part of no don't they understand.

Bennie Cabbage- He is opposed to the project due to concerns related to agriculture/farming land, karst land, water contamination, etc.

Steve Painter- He is opposed to the project due to concerns of groundwater contamination. He was concerned with the public hearing sign not being on the proposed site.

Linzy Cumbia- He is opposed to the project for all the same reasons that have been mentioned by previous citizens.

John Grassmick- He is opposed to the project due to the concerns related to clean up once this project is done, groundwater contamination, and no economic benefit to the citizens.

Paul Otto- He is opposed to the project due to the fact we do not have an ordinance in place, not compatible with surrounding uses, battery storage concerns, etc.

Del Price- She is opposed to the project due to the fact we do not have a solar ordinance, life of project, water contamination, and what the project will look like in a few years.

Suzanne Grant- She is opposed to the project due to the beauty of Page County. She explained that previously she worked for Duke Energy. The proposed solar project is five times larger than the solar project that Duke Energy has. Solar has a place, on rooftops for example, but not at a large scale as proposed. They will sell this energy to the top buyer. This is predatory solar. Don't let them take Page County away from us.

Chris Anderson- She is opposed to the project due to karst concerns, water contamination and ecology, lack of jobs, lack of a solar ordinance, prime farmland, etc. Solar is great but in the right location.

Jane Mangum- She is opposed to the project due to the beauty of Page County. She submitted a petition to staff/commissioners against the proposed solar project.

Charles Newton- He is opposed to the project and strongly recommends denial of the application and the establishment of a solar ordinance.

Rod Graves- He is opposed to the project. He has learned a lot in the four years since this came up, more than he ever wanted to know about solar. This project threatens tourism in Page County. There is no place in the world like Page County when you speak about beauty.

Isabel Graves- She is opposed to the project. This should not be forced upon a small community. This will damage the tourism industry in Page County. We need a solar ordinance before we lose all our farmland.

Clyde Humphrey- He is opposed to the project due to possible toxins in the panels and water contamination. We need a solar ordinance. He concluded to say that Urban Grid was not being very honest with us.

Chairman Burner closed the public hearing at 8:49 p.m.

Ms. Grech stated she was humbled to be here tonight by all the comments. The citizens are so well informed. The commission members have closely examined the Cape Solar project over the course of several months. In consideration of sound zoning principals, we have also drafted conditions geared toward the possibility of mitigating the adverse impact of this power plant on the neighborhood, the community, in terms of its industrial nature, it's size and location. However, I have come to the conclusion that this project would have adverse impacts on the character of the neighborhood, the district, and our community. It would also have adverse impacts on abutting and neighboring properties. Therefore, I move to recommend denial of the Cape Solar project. The motion was seconded by Mr. Smelser. The motion passed unanimously 4-0.

Chairman Burner suggested a five minutes recess.

New Business

A. Zoning Ordinance Amendment for definition of Dwelling

Chairman Burner stated this proposed amendment is to change the current definition of dwelling. Staff provided a copy of the proposal to the commissioners. The Board of Supervisors have requested a joint public hearing with the Commission on April 18, 2022. Chairman Burner noted there would be a few meetings of the commission prior to the public hearing where they can discuss and review this further.

Ms. Grech made a motion that the Planning Commission hold a joint public hearing with the Board of Supervisors on April 18, 2022. The motion was seconded by Mr. Smelser. The motion passed unanimously 4-0.

B. Agriculture/Residential Ordinance

Chairman Burner explained that currently the agriculture use is not allowed on residential zoned property. We have been working on that issue with the Board as well. There will be proposed restrictions on type of animals, quantity, etc. Chairman Burner noted there would be a few meetings of the commission prior to the public hearing where they can discuss and review this further.

Ms. Grech made a motion that the Planning Commission hold a joint public hearing with the Board of Supervisors on April 18, 2022. The motion was seconded by Mr. Smelser. The motion passed unanimously 4-0.

Unfinished Business

None

Open Citizen Comment Period

Susan Trobough- She thanked the commission for their work. There are other challenges as a business owner. She has a short-term tourist rental with three apartments in her single-family dwelling. She looked into adding a tiny home as a guest home but learned that the guest home could not be rented. She urged the commission to consider making a change to allow guest homes to be rented.

Ken Farkas- He stated we needed a moratorium on solar applications until we get an ordinance in place.

Beth Snider- She thanked the commission for their work. For the record, not one person showed up to support the industrial use solar facility project. There was only one letter received supporting it.

Cathy Herbert- She thanked the commission for their work. Everyone is talking about the solar ordinance but we need more than that. There are a lot of economic assumptions that Urban Grid made

about comparing Page to other localities. We need to look at Page County for our uniqueness. We need a study of what is an appropriate use of the land and economic development.

Paul Scheingold- He opposed the Cape Solar Project.

Clyde Humphrey- He stated he is in favor of solar. He has solar on his house. He has designed solar systems for other people. We need solar in the county but it has to be regulated. The county should not be considering any special use permit that is not regulated in the code. He stressed the importance of having a solar ordinance.

Chairman's Report

Chairman Burner thanked the staff knowing how much time this special use permit has taken along with other responsibilities.

Clerk's Report

None

Adjourn

Chairman Burner requested a motion to adjourn the meeting. Mr. Smelser made a motion to adjourn. The motion was seconded by Mr. Mitchell. The meeting was adjourned at 9:18 p.m.


Jared Burner, Chairman