

MINUTES
PAGE COUNTY PLANNING COMMISSION
August 25, 2020

THIS MEETING WAS ACCESSIBLE VIA ZOOM (AUDIO ONLY).

Members Present

Bernie Miller, Chairman, District 1	Catherine Grech, District 1
Donnie Middleton, District 2	Steve Atkins, District 2
Jared Burner, District 3	Keith Weakley, District 3,
James Holsinger, Secretary, District 4	Gary Huffman, District 4
William Turner, Vice Chairman, District 5	Jonathan Comer, District 5

Members Absent

None

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Miller called the August 25., 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. Comer made a motion to accept the agenda as presented. The motion was seconded by Mr. Weakley. The motion passed unanimously 10-0.

Public Hearing

A. Leona Dean- Special Use Permit Application

Leona Dean has filed an application for a SUP to operate a home occupation for a hair salon in an accessory structure located at 2980 Leaksville Road, Luray, VA. The parcel is identified by tax map number 50-3-2B, contains 2.4 acres, and is currently zoned as Agriculture (A-1). This property is improved with a single-family detached dwelling, several accessory buildings, and an above ground pool.

This SUP would allow Mrs. Dean to operate a hair salon from her primary residence. The proposed business would be conducted out of an existing accessory structure. The accessory structure is approximately 30x25 total in size; however, the applicant plans to only use a 16x12 area for the hair salon.

Pursuant to § 125-10 C.(3) of the Page County Zoning Ordinance, home occupations are permitted by-right. However, pursuant to § 125-15 B.(1)(e) of the Page County Zoning Ordinance, home occupations in an accessory building require a special use permit.

Virginia Department of Transportation (VDOT) – Per Jeff Nicely with VDOT, the existing entrance is adequate and the proposed use will have no negative impact to right-of-way.

Health Department- Per Gerald Dovel with the Health Department, there are no objections to the request.

Building Official- Per Don Williams, Page County Building Official, there are no objections to the request.

Adjoining and adjacent property owners were notified as required by the Code of Virginia. As of the date of this memo, no comments have been received.

Regarding the Page County Comprehensive Plan, this property falls within the "Agricultural Protection Tier". According to Volume 1, Section 2.2 of the Comp Plan, "the purpose of the Agricultural Protection Tier is to protect agricultural uses and preserve the rural lifestyle and sense of community that has long defined Page County. This tier is intended primarily for very low-density residential development, large lot rural development and agricultural uses. Non-residential uses would serve the needs of residents in the surrounding rural areas and generally be limited to agriculture-related businesses. Low density suburban subdivisions and low intensity employment centers may be permitted if access is adequate and the use is compatible with surrounding uses. Levels of service depend on the density/intensity of a development and its location." Due to the low impact, the proposed business would not change the character of the property.

Also, 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."

Mrs. Dean will be required to maintain a Page County business license which will result in additional revenue for Page County.

Staff recommends that the Page County Planning Commission recommend approval to the Page County Board of Supervisors for a special use permit to Mrs. Leona Dean, to operate a home occupation in an accessory building (hair salon), with attached conditions.

The public hearing was opened at 7:03 p.m. There being no speakers, the public hearing was closed.

Mr. Turner made a motion to recommend approval of the special use permit to the Board of Supervisors. The motion was seconded by Mr. Middleton. The motion passed unanimously (10-0).

New Business

None

Unfinished Business

A. Discussion of proposed solar regulations- specifically, acreage and percent of acreage coverage

Ms. Clatterbuck encouraged the commission to discuss the acreage and percent of acreage coverage in the solar draft regulations prior to the Berkley Group attending the next scheduled meeting. When the Berkley Group was last here, there was indication that a compromise (at that meeting) could not be reached because there are very different opinions on what those numbers should be. She encouraged the commission to discuss it to see if they could come to an agreeance so that staff could take those numbers back to the Berkley Group to be included in the revised draft they are currently working on.

Mr. Weakley stated that he had been thinking about this. Obviously, the commission did not agree with the 500 acres proposed in the draft. In looking for a compromise, the Dogwood Project that was approved by the county was 340 acres but had a much smaller percentage. Looking at the two projects, if you average Cape Solar and Dogwood Solar total you end up with about 300 acres. If you look at

65% coverage, inside the fence, you end up with 200 acres. In his opinion, 200 acres was a compromise comparing both projects. If you start small, and things work, you could always increase it, but if you go out initially with a big number, you can't take that back.

Ms. Grech clarified that at the level of the commission, both projects were recommended to the Board as denials. At the level of the Board, Dogwood was approved and Cape was denied. She asked if he was referring to a medium point between the two based on these actions, and Mr. Weakley confirmed. Chairman Miller noted that when they turned it down, they turned it down for many reasons, not just acreage. Mr. Weakley stated tonight they were only focusing on scale since that was a major discussion point at the time. Mr. Holsinger stated that when the vote was made on the previous applications, the commission did not have a choice. They was a single vote on two separate projects. When the Board made their votes, they did them as separate votes for whatever reason. Ms. Grech corrected Mr. Holsinger by stating that the two solar projects were not voted upon in one single vote but rather each application had its own separate votes. Mr. Holsinger stated he stood corrected if he was wrong then. He felt it was the understanding of the commission at that time that no matter how it appeared, they voted on the projects together and not separately. Had we been voting on those projects independently, one of those projects would have passed without much objection.

Mr. Comer stated he was against having a cap on acreage in the regulations. You could triple the size of Dogwood. No one is probably going to see it and it won't be a whole lot of impact. When you say 500 acres, people automatically think of the 559 acres proposed project that was denied. Every 559 acre project may not look like that one. Mr. Holsinger stated that if you put an acreage and percentage in the regulations, every application is going to say that acreage and that percentage. If it can't, then it's not eligible. He thinks it is somewhat meaningless. What we need to know is what acreage is inside the fence. There are lots of reasons to object to the 500 acres but right now in his opinion it seems meaningless or it creates a standard that everyone will meet because that is what they have to do. He also echoed Mr. Comer's concern that not all projects will look like the 559 acres project that was denied.

Mr. Weakley stated you could do it a different way. You could allow Dogwood by saying the maximum size of panels and equipment is 200 acres with a maximum ratio of that area to overall acreage of 65%. We can make the ordinance say what we want. Mr. Holsinger stated he just wanted to make sure the consultants understood their concern because it keeps coming back and we are discounting that it is somewhat meaningless. Mr. Weakley said he felt they saw the total size but what we are really concerned about is the black dot, being the panels, and whatever associated buildings. Mr. Holsinger stated if they are going to stick to having a percentage, which doesn't seem to go away, then we have little choice than to raise the acreage. Mr. Weakley replied no. We use math to our advantage. For example, on Dogwood, we say the maximum amount of panels and associated buildings are 200 acres if you use 65%. If 200 is the max, and the maximum ratio of equipment and paneled area to your total acreage of your project site is 65%, Dogwood is allowed because they had 76 acres of panels on a 340 acres site. That is only 22% so they met the criteria and it would be allowed. Mr. Comer stated that in theory you are just capping the total acres of panels and not acres because it is based on density. Chairman Miller asked what about megawatt limits and Mr. Weakley stated based on how he is suggesting above, they wouldn't care because the efficiency will always change. Ms. Grech restated that he was speaking of inside the fence and Mr. Weakley confirmed.

Mr. Burner stated that in his opinion those two projects are irrelevant when writing the ordinance. He liked Mr. Weakley's idea and his head was around the 200 acres as well. Ms. Grech stated it was hard to do that when you have emails from the attorney for Mr. Houser who has sent language for a solar

ordinance that seems to be tailored for re-applying for Cape Solar. We need to be mindful because a lot of this discussion is being driven by the Cape Solar Project, Urban Grid, etc. Several of the supervisors were okay with one of the projects and not the other because it was too big. The margin of maneuver seems to be between the two and she supported Mr. Weakley's suggestion. Mr. Atkins said he agreed with Mr. Weakley's idea as well. It limits the size, but doesn't limit the size of the property. You don't want to limit the size of the property due to slope, etc. Mr. Comer asked how everyone felt about the max percentage of 65% or if we even needed a max percentage in there. If our goal is the number of panels, do we even need a percentage? Mr. Weakley stated he didn't know the origin of the 65%. Was it due to topography, industry standard, etc.? Mr. Holsinger stated it appeared the 65% came mathematical from something in the code. It seems more reasonable for the commission to use something that we know where it came from and what it means. What is economically feasible? A project has to be a certain size to be feasible. Mr. Weakley noted that Dogwood was feasible at 76 acres. Mr. Holsinger replied that if it is constructed and built we would have proof of that. Chairman Miller stated that not all land is the same no matter the acreage looking at topography, etc. Mr. Holsinger questioned if anyone knew the status of the Dogwood Project? Staff did not know the status. Mr. Holsinger cautioned people in that just because that was approved doesn't mean that it will be constructed and operated. We all support that and hope that it does but until it is underway we can't assume that the project was viable. Ms. Grech stated if we didn't know if the project is viable then we should wait. Why are we rushing into writing a solar ordinance? Let's wait until our zoning ordinance is done. Mr. Holsinger stated that the commission had been given the task of completing this and the county will not accept an application until we do. If you are a farmer in the county and are concerned about farm values, they would like to at least have the ordinance so offers can be accepted. I wouldn't call this rushing and if we don't our farming community will come and tell us to do it through the Board of Supervisors.

Chairman Miller stated he has seen trains coming through this county with coal. That is what solar is trying to reduce. We have to replace it with something that is clean. We can't forget that coal is still being used. Our future depends on solar. We need to talk about all these issues but we can't forget that either. Ms. Grech stated that in the present state of solar, every solar plant needs a backup of coal or gas fired plants to operate during the hours when it is not producing enough energy for the consumers. For each solar plant you need backup coal and gas. You are somewhat right and somewhat wrong. That is the biggest argument of the republicans against the liberals that are pushing for green deals. Chairman Miller replied that everybody has to learn to give a little bit. Don't give them everything they want. Solar is our children's future.

Ms. Grech stated that it was said by a few of the commissioners that a few items in the solar regulations were too abstract and not quantifiable. So what I am hearing you say is that Page County needs to do their fair share related to solar. So what is a fair share for Page County? We are a small, poor county. What is our fair share of the total burden that the governor has mandated for the state of Virginia? Is it fair that we should be asked to do the same thing as Fairfax County? Should it be based on income? Terrain? Consumption of energy? We have not had this conversation. I think we should do our fair share but don't think it needs to be overly burdensome to the county because it is our duty to look out for the county and our citizens. Let's have a conversation. What is our fair share? Mr. Holsinger replied that without an ordinance and without knowing if the approved project is viable, it would appear we are offering zero. Our share would have to be greater than zero. Ms. Grech questioned how it could be zero if we have approved Dogwood. Mr. Holsinger stated if Dogwood is not viable and not put online, and we do not have an ordinance, then we cannot accept an application. Mr. Weakley noted the Board could lift the moratorium at any time they want to. Mr. Holsinger stated then they should vote right now to send that message to the Board to resend that moratorium. Mr. Weakley noted that was not what he was saying. He said that is one reason why we should make progress to get an ordinance because if we

don't and they resend it...Mr. Holsinger asked if he felt the Board would resend that. Mr. Weakley stated if they felt the commission wasn't making any progress and they want a solar farm because they think there is economic benefits to it, they could very well do that. Mr. Burner stated they needed to get back on task of writing the ordinance. Pick a point and move on. Let's get an acreage settled, go around the table for opinion, and then we will move on to percentage. Mr. Weakley stated his opinion was 200 acres inside the fence. We can clarify inside the fence with the consultant through definition in the regulations.

Ms. Grech stated the commission wasn't here to further the development for the developer. The viability is not our concern. We are here to protect the county and the citizens. Mr. Burner stated that he agreed with Ms. Grech. The viability of the project is up to the developer. Mr. Holsinger stated he agreed but you can make regulation so strict that you can't do anything. We have to protect the rights of the farm population. The view sheds that are often mentioned are owned by the farmers. They own those views. Some have put in cabins to take advantage of the agro-tourism business. But if we make an ordinance that devalues their property because we make it impossible for them, then that goes too far. Whoever makes the application has to determine if the project is viable or not. We have to have ordinances that at least allow the value of the property as opposed to an unreasonable demanding ordinance that makes it impossible. Chairman Miller stated that providing clean energy, it is for the common good. He noted he was just trying to be realistic. Just like the trailer park ordinance that was adopted, we made that so strict that it is impossible for a new one.

Mr. Middleton stated that his concern was that all the farmland would turn to solar farms. That will put the farmers out of business. We have prime farmland, we are a tourist community, and agriculture is a priority. We are going to beat the farmers to death and put them out of business. We won't have home grown beef and produce. Mr. Weakley pointed out that no one could take the farmers land. Mr. Middleton responded that if they were given enough money they could take it. Mr. Weakley noted that was called selling, not taking. Mr. Middleton stated he was in favor of zero utility scale solar.

Mr. Atkins stated he agreed with the 200 acres and 65%. That is a good place to start. We have to do something.

Mr. Turner stated he thought 500 acres was excessive. He agreed that we needed to start somewhere though. He felt the 200-250 acres was a good place to start.

Mr. Huffman reminded them he was new to the commission. Most of what is discussed happened prior to him joining. He has seen wind and solar farms. For a solar company to come here and buy, they have projected the location before we even know about it. We don't have a lot of transmission lines in this county. Whether its 200 acres or whatever, inside the fence, does that include setbacks that come along with these projects. Mr. Weakley replied that there would be some setback for the panel as it won't be right up against the fence. Mr. Huffman stated he saw the county dump, the poultry houses, etc. from the Skyline Drive. He is here for what is best for the citizens and the income for this county. He would be concerned with what the end of the project looks like and what that would cost to dismantle. He stated he could agree with 200 acres total property (including inside and outside the fence).

After further discussion, the consensus seemed to be that the commission agreed to the max acreage being 200 acres (inside the fence) with a 65% cap on percent of acreage coverage. Mr. Weakley will provide staff with the language to forward to The Berkley Group for incorporation into the proposed solar regulations.

Chairman's Report

None

Clerk's Report

Ms. Clatterbuck reminded the commission that Rebecca Cobb with the Berkley Group would be present at the September 22, 2020 meeting to present the revisions to the solar regulations.

Ms. Clatterbuck provided a flyer invite detailing the public input meeting scheduled for September 2, 2020 at 6 p.m. at the Stanley Fire Hall. This meeting will be to discuss the Zoning and Subdivision of Land Ordinance revisions. Solar regulations will not be discussed at this meeting. She encourage the public to attend.

Adjourn

Chairman Miller adjourned the meeting at 8:11 p.m.


Bernie Miller, Chairman


Jamie Holsinger, Secretary