DUE TO THE COVID-19 PANDEMIC, IN-PERSON ATTENDANCE WILL BE LIMITED. THIS MEETING WILL BE ACCESSIBLE VIA ZOOM (AUDIO ONLY):
https://us02web.zoom.us/j/89886474698?pwd=Q1RzME5SWmRMbFI3ZFB4eHBYZll6UT09

DIAL: (312) 626-6799 (US); **MEETING ID**: 898 8647 4698; **PASSCODE**: 958293

AGENDA
Page County Planning Commission
Regular Meeting
Board of Supervisors Room- County Government Center
103 South Court Street, Luray, VA 22835
October 13, 2020- 7:00 p.m.

Call to Order

A. Pledge of Allegiance
B. Moment of Silence

Adoption of Agenda

Public Hearing

A. Proposed Solar Regulations

Citizen Comments on Agenda Items

New Business

A. Jeffrey Dinges- Special Use Permit Application (Introduction)
B. Adoption of Minutes- August 11, 2020

Unfinished Business

None

Open Citizen Comment Period

Chairman's Report

Clerk's Report

Adjourn

Comments on the Public Hearing can be submitted by completing the Public Hearing & Comment Form on the County's website. The deadline for submitting comments is 12:00 p.m., Tuesday, October 13, 2020.

Tracy Clatterbuck

From:	Tracy Clatterbuck
Sent:	Tuesday, September 29, 2020 3:54 PM
To:	Bernie Miller; Catherine Grech; Gary Huffman; Jamie Holsinger; Jared Burner; Jonathan Comer (jcomer@firstbank.com); Keith Weakley (keith.weakley93@gmail.com); William Turner
Subject:	10-13-2020 Draft of Solar Regulations
Attachments:	Article 2 Solar Definitions 10-13-2020.pdf; Article 10 Solar Facilities. 10-13-2020.pdf

Good Afternoon All,

Please see attached draft provided by the Berkley Group. This is the draft that is going to public hearing with the PC on 10/13/2020.

FYI- This draft will be put on the county website for the public.

Let me know if you have any questions. Thanks,

Tracy Clatterbuck, CZA
Zoning Administrator

Page County Planning & Community Development
103 South Court Street, Suite B, Luray, VA 22835
Phone: (540) 743-6674 or (540) 743-1324
Fax: (540) 743-1419
Website: http://www.pagecounty.virginia.gov/179/Planning-Community-Development

ARTICLE II

§ ~~Sec.~~ 1256-~~41~~ **Definitions.** *(add these definitions)*

Acreage coverage means the total acres covered by blocks of photovoltaic panels including spaces between panels, buildings, inverters, substation, battery storage, ancillary equipment, and fencing around these items but excluding wildlife corridors, mandated setbacks, wetlands, and other avoided natural or cultural features outside of the security fencing on the project site.

Applicant means the person or entity who submits an application to the locality for a permit under this ordinance.

Battery energy storage system means a physical container or structure providing secondary containment to battery cells that is equipped with cooling, ventilation, fire suppression, and a battery management system.

Battery management system means an electronic regulator that manages a battery energy storage system by monitoring individual battery module voltages and temperatures, container temperature and humidity, off-gassing of combustible gas, fire ground fault and DC surge, and door access and providing controls to prevent operation outside safe limits.

Brownfield means former industrial or commercial sites typically containing low levels of environmental pollution such as hazardous waste or industrial byproducts.

Decommissioning plan means a plan to disconnect, remove and properly dispose of equipment, facilities, or devices.

Integrated PV means photovoltaics incorporated into building materials, such as shingles.

Operator means the person responsible for the overall operation and management of a facility.

Owner means the person or entity who owns all or a portion of a facility.

Photovoltaic or "PV" means materials and devices that absorb sunlight and convert it directly into electricity.

Rated capacity means the maximum capacity of a solar facility based on the sum total of each photovoltaic system's nameplate capacity.

Site plan means a plan prepared by a professional engineer or land surveyor licensed by the State of Virginia showing all proposed improvements to the site. The site plan shall include all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, open space, public facilities, and such other information as is required in applicable sections of this ordinance such as with conditional use, rezoning, or variance applications.

Site, solar facility means the entire area, including acreage coverage, setbacks, access roads, wildlife corridors, wetlands, and other natural features of a facility that generates electricity from sunlight.

Solar facility, small-scale means a facility that either: (a) generates less than 20 kilowatts (kW) electricity

from sunlight, consisting of one or more Photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site; or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and (c) meets at least one of the following criteria: has a disturbance zone equal to or less than an acre; is mounted on or over a building, parking lot, or other previously disturbed area; or utilizes integrated PV only (excluding passive solar homes).

Solar facility, medium-scale means a facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for agricultural, commercial and industrial applications. Sites are between one to three acres with a maximum capacity of 999 kW.

Solar facility, utility-scale means a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider. Sites are generally over two acres and have a capacity in excess of one megawatt (1 MW).

ARTICLE X

SOLAR FACILITIES

§ 125-70 Statement of intent.

The purpose of this section is to establish requirements for construction, ~~and~~ operation, and decommissioning of solar facilities; ~~and~~ to provide standards for the placement, design, construction, monitoring, modification, and removal of solar facilities; address public safety, minimize impacts on scenic, natural, and historic resources; and provide adequate financial assurance for decommissioning.

§ 125-71 Applicability.

This article shall apply to all solar facilities constructed after the effective date of this article, including any physical modifications to any existing solar facilities that materially alter the type, configuration, or size of such facilities or other equipment.

§ 125-72 Zoning districts.

A. Small-scale solar facilities may be installed by-right in all zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to Page County for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.

B. Medium-scale solar facilities may be installed by-right roof-mounted or ground-mounted in commercial and industrial zoning districts and roof-mounted only in agricultural zoning districts to provide electricity to individual structures; provided a site plan (as applicable) has been submitted to Page County for review and approval; all Federal, State and Local regulations have been followed; and the system is located upon the property or structure being served.

C. Any commercial or industrial solar facility installed upon a roof top shall submit a site plan and an engineering study to Page County for review.

D. Utility-scale solar facilities shall be permitted by Special Use Permit (SUP) only, and only in the A-1 zoning district.

§ 125-73 Applications and procedures.

A. In addition to other requirements of the Page County Zoning Ordinance and Special Use Permit requirements, applications for a utility-scale solar facility shall include the following information:

(1) Pre-application meeting. Schedule a pre-application meeting with Page County to discuss the location, scale, and nature of the proposed use and what will be expected during that process.

(2) Comprehensive Plan Review. A 2232 review by the County is required by the *Code of Virginia* (§15.2-2232) for utility-scale solar facilities. This Code provision provides for a review by the Planning Commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the Comprehensive Plan or part thereof.

(3) Special Use Permit (SUP) application. A complete SUP application including:

(a) Documents demonstrating the ownership of the subject parcel(s).

(b) Proof that the applicant has authorization to act upon the owner's behalf.

(c) ~~Identification of~~A letter of commitment from the ~~intended~~ utility company who will interconnect to the facility and a statement of line capacity before and after interconnection.

(d) List of all adjacent property owners, their tax map numbers, and addresses.

(e) A description of the current use and physical characteristics of the subject parcels.

(f) A description of the existing uses of nearby properties.

(g) A narrative identifying the applicant, owner or operator, and describing the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.

(h) Aerial imagery which shows the proposed location of the solar facility, fenced area, driveways, and interconnection to electrical grid with the closest distance to all adjacent property lines and dwellings along with main points of ingress/egress.

(i) Payment of the application fee and any additional review costs, advertising, or other required staff time.

(j) The applicant shall consult with the Department of Wildlife Resources and provide a written recommendation regarding wildlife corridors.

(4) Site~~Concept~~ plan. A site~~concept~~ plan prepared by a Virginia licensed engineer, that shall include the following:

(a) A description of the subject parcels.

(b) Property lines and setback lines. A land survey by a Virginia licensed surveyor is required.

(c) Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.

(d) The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.

(e) A grading plan.

(f) A landscaping maintenance plan.

(g) Existing and proposed access roads, drives, turnout locations, and parking.

(h) Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.

(i) Fencing or other methods of ensuring public safety.

(j) Twenty sets (11"× 17" or larger), one reduced copy (8½"× 11") and one electronic copy of the site~~concept~~ plan, including elevations and landscape plans as required.

(k) Provide an inventory of all solar facilities – existing or proposed – within a four (4) mile radius.

(l) Additional information may be required as determined by Page County such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by Page County to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal.

(5) Site~~Concept~~ plan compliance. The facility shall be constructed and operated in substantial compliance with the approved Site~~Concept~~ Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.

(6) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:

(a) The anticipated life of the project;

(b) The estimated decommissioning cost in current dollars;

(c) How the estimate was determined;

(d) The method of ensuring that funds will be available for decommissioning and removal;

(e) The method that the estimated decommissioning cost will be kept current; and

(f) The manner in which the project will be decommissioned and the site restored.

The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a Virginia licensed professional engineer or contractor who has expertise in the removal of ~~the~~ solar facilities~~y~~. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.

(7) A proposed method of providing appropriate escrow, surety or security for ground maintenance, fencing, landscaping, and the cost of the decommissioning plan.

(8) Traffic study submitted with application modelling the construction and decommissioning processes. The Virginia Department Of Transportation will be responsible for reviewing the study.

(9) An estimated construction schedule.

(10) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.

(11) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.

(12) Community impact assessment by a County approved third party, including but not limited to, a comprehensive economic impact, agricultural and tourism revenue, employment and taxation, shall be required and shall assess the various project tax and revenue options, including but not limited to, Code of Virginia §58.1-2636, §58.1-3660, §15.2-2288.8, and §15.2-2316.6 through 2316.9.

(13) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County.

(a) The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility.

(b) The total number of simulations and the perspectives from which they are prepared shall be established by Page County after the pre-application meeting.

§ 125-74 Neighborhood meeting.

A. A public meeting shall be held prior to the public hearing with the Planning Commission to give the community an opportunity to hear from the applicant and ask questions regarding the proposed project.

(1) The applicant shall inform Page County and adjacent property owners in writing of the date, time and location of the meeting, at least seven but no more than 14 days, in advance of the meeting date.

(2) The date, time and location of the meeting shall be advertised in the County's newspaper of record by the applicant, at least seven but no more than 14 days, in advance of the meeting date.

(3) The meeting shall be held within the County, at a location open to the general public with adequate parking and seating facilities which may accommodate persons with disabilities.

(4) The meeting shall give members of the public the opportunity to review application materials, ask questions of the applicant and provide feedback.

(5) The applicant shall provide to Page County a summary of any input received from members of the public at the meeting.

§ 125-75 Minimum development standards.

A. Location standards for utility-scale solar facilities. The location standards stated below for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the County.

(1) The coverage area of a utility-scale solar facility shall be a maximum of 200 acres.

(2) The layout of equipment, improvements, ~~and~~ structures, substation, and battery storage, along with the calculated percent of acreage coverage shall be shown on the approved site~~concept~~ plan ~~and site plan~~. The percent of acreage coverage for a facility shall not exceed 65% of the total solar facility site (i.e. a site with 200 acres of coverage area must include a minimum of 308 acres of total solar facility site area and a project that totals 250 acres would be allowed 162.5~~130~~ acres or less of coverage).

(3) Utility-scale solar facility shall be located:

(a) At least one (1) mile from a town boundary;

(b) Outside of the primary or secondary service areas around a town, as delineated in the Comprehensive Plan;

(c) Not adjacent to residential districts or subdivisions.

(4) No utility-scale solar facility shall be located within two (2) miles of another existing or permitted utility-scale solar facility unless the combined acreage coverage is 200 acres or less.

(5) Utility-scale solar facilities shall be within one (1) mile of electric transmission lines.

(6) Battery energy storage systems, if required, shall be installed with industry best practices including a Battery Management System (BMS) with 24/7 monitoring and automated fire suppression.

(7) Utility-scale solar facilities shall minimize and avoid locating on farmland with soils categorized as Prime Farmland and Farmland of Statewide Importance. No site shall have more than 50% of soils identified as Prime Farmland and Farmland of Statewide Importance.

(8) To preserve forest resources, Utility-scale solar facilities shall be located outside forested areas as identified and defined in the Comprehensive Plan and by a Virginia State certified forester. In order to protect scenic corridors and view sheds, utility-scale solar facilities shall not be located within a ¼ mile of Federal Highways US 340 and 211, US 340 Business and US 211 Business, except where natural topography shields the entire facility from view.

~~(7)~~(9) Utility-scale solar facilities shall not be located within 200 feet of historic and cultural resources as defined and listed in the Comprehensive Plan.

B. A utility-scale solar facility shall be constructed and maintained in substantial compliance with the approved site~~concept~~ plan.

~~C.~~ The minimum setback of all panels, equipment, substations, switchyards, and other ancillary structures, of the project to property lines of parcels with existing 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.

~~D.~~C. These setbacks do not apply to internal lot lines that are included in the project.

~~(1) Substations and switchyards that are not located with the panels but are located on a separate parcel(s) away from the project site shall meet a minimum setback to property lines of 75 feet and 150 feet to existing dwellings.~~

~~E.~~D. The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of photovoltaic panels, primary structures, battery storage facilities and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The Board of Supervisors may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.

~~F.~~E. PV solar panels and any associated equipment shall not be located on slopes 10 percent or greater and no site shall be graded more than 50 percent of the site surface area.

~~G.~~F. The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with native and non-invasive plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by Page County. Trees shall be a minimum of 6 feet in height at time of planting and in staggered rows of ten (10) foot on center. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice by the County of the violation. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.

~~H. Substations and switchyards, located away from the project site shall be significantly screened from the ground-level view of adjacent properties by a landscaped buffer zone at least 50 feet wide that shall be landscaped with plant materials consisting of an evergreen mix (as approved by County staff), except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by Page County. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.~~

~~I.~~G. The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than nine (9) feet in height. The fence shall not be topped with razor/barbed wire. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.

~~J.~~H. Ground cover on the site shall be pollinator-friendly native and non-invasive vegetation and maintained in accordance with the Landscaping Maintenance Plan in accordance with established performance measures. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of non-invasive plant species that require no pesticides, herbicides, and fertilizers or the use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended. The operator shall notify the County prior to application of pesticides and fertilizers. The County reserves the right to request soil and water testing.

~~K.~~I. Proposed wildlife corridor(s) shall be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.

~~L.~~J. The design of support buildings and related structures shall use materials, colors, textures, screening and landscaping that will blend the facilities to the natural setting and surrounding structures.

~~M.~~K. The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the County. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation. The applicant shall be required to submit an incident response plan to Page County.

~~N.~~L. A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.

~~O.~~M. A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.

~~P.~~N. The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit from~~to~~ Page County.

~~Q.~~O. Lighting fixtures as approved by the County shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Site~~Concept~~ Plan and approved by Page County.

~~R.~~P. No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.

~~S.~~Q. All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration ("FAA"), State Corporation Commission ("SCC") or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.

~~T.~~R. Any other condition added by the Planning Commission and/or Page County Board of Supervisors as part of a SUP approval.

§ 125-76 Decommissioning.

A. The following requirements shall be met:

(1) Solar facilities which have reached the end of the term of the special use permit or their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner's or operator's expense, except if the project is being re-powered or a force majeure event has or is occurring requiring longer repairs; however, the County may require evidentiary support that a longer repair period is necessary.

(2) The owner or operator shall notify Page County by certified mail and in person of the proposed date of discontinued operations and plans for removal.

(3) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestial~~l~~ uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the Board of Supervisors (other conditions might be more beneficial or desirable at that time).

(4) Land disturbance activities as a result of removal of solar facilities shall adhere to all local, state, and federal requirements.

(5) Decommissioning shall be performed in compliance with the approved decommissioning plan. The Board of Supervisors may approve any appropriate amendments to or modifications of the decommissioning plan.

(6) Hazardous material from the property shall be disposed of through a viable recycling method and in accordance with federal and state law and not in Page County. A receipt of disposal shall be required.

(7) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the County.

(a) The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.

(b) The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon ~~on~~ the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

(c) The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.

(d) A Virginia licensed Engineer shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.

(e) The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County.

(8) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the County may collect the surety and the County or hired third party may enter the property to physically remove the installation.

§ 125-77 Coordination of local emergency services.

Applicants for new solar facilities shall coordinate with the County's emergency services staff to provide annual materials, education and/or training to the departments serving the property with emergency services in how to safely respond to on-site emergencies.

§ 125-78 Conditions.

A. The Board of Supervisors shall~~may~~ consider conditions addressing a proposed utility-scale solar facility, including, but not limited to, the following:

(1) A condition(s) that requires (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a special~~conditional~~ use permit, so long as such conditions are reasonably related to the project.

(2) A solar facility shall be constructed, maintained, and operated in compliance with:

(a) The development standards under this article.

(b) The approved ~~concept~~site plan.

(c) Any other conditions imposed pursuant to a Special Use Permit.

(3) The Special Use Permit shall require the applicant to adhere to all local, state and federal requirements regarding Erosion and Sediment Control.

(4) The Special Use Permit shall require the applicant to adhere to all local, state and federal requirements regarding Stormwater Management.

(5) The applicant shall obtain county--approved qualified third parties to conduct all inspections as required by the Virginia Erosion & Sediment Control Regulations (9VAC25-840-60) and the Virginia Stormwater Management Program Regulations (9VAC25-870-114). The applicant shall be responsible for any and all costs associated with these inspections. After completion of land-disturbing activities and permanent control measures are operable, inspections shall revert back to the County (Virginia Stormwater Management Program Authority). This third party must hold a certificate of competence in the area of Erosion & Sediment Control and Stormwater Management issued by the Commonwealth of Virginia State Water Control Board. All inspection reports must be submitted to the County's program administrator within 24 hours of the inspection via email.

(6) It is the applicant's responsibility to provide the decommissioning plan and they shall be responsible for any fees associated with the expense of the plan.

(7) If the solar facility does not receive a building permit within twenty-four~~eighteen~~ 24 months of approval of the Special Use Permit, the Permit shall be terminated.

(8) If the solar facility is declared to be unsafe by Page County, the facility must be in compliance within fourteen (14) days or the Special Use Permit shall be terminated, and system removed from the property.

(9) The owner and operator shall give the County written notice of any change in ownership, operator, or Power Purchase Agreement within thirty (30) days.

(10) Any third-party assessment shall be paid for by the applicant but the third-party assessor must be approved by Page County.

§ 125-79 – 125-85 Reserved

Tracy Clatterbuck

From: Tracy Clatterbuck
Sent: Thursday, October 01, 2020 8:50 AM
To: Bernie Miller; Catherine Grech; Gary Huffman; Jamie Holsinger; Jared Burner; Jonathan Comer (jcomer@firstbank.com); Keith Weakley (keith.weakley93@gmail.com); William Turner
Subject: Small and Medium Scale Solar

Good Morning All,

I have received concerns related to the "lack of" language in the current draft regarding small and medium scale solar. This was also brought up at the last PC meeting. I have reached out to the BG for some sample language (below). My recommendation to the commissioners (at this point) is that if you are interested in adding more verbiage to address these, bring your proposed changes to the public hearing for discussion amongst the commission.

From Rebecca:
"I'm assuming you want to talk about standards for those. Small and medium-scale solar are beginning to become more popular and warrant more consideration. A year ago they were less of a concern. We have drafted some basic language for a small town that was interested in having it in their ordinance. I'll paste that language below for you to take a look at and we can talk further at your convenience. The thing to consider is that the below language is from a community that has thorough landscaping requirements. That line may need to be beefed up with specifics for Page.

(1) Solar energy, small scale and medium scale.
   a. The design and installation of all solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
   b. Small and medium scale energy facilities shall comply with all applicable federal, state and town regulations, ordinances and codes.
   c. Any small or medium scale solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the building official's office for review.
   d. All small or medium scale solar energy facilities shall comply with the following performance standards:
      (i) If the solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the panel height shall not exceed 15 feet.
      (ii) The solar energy facility shall comply with all setback requirements pursuant to the Dimensional Standards Table.
      (iii) The lowest surface of any panel shall be a minimum of four feet above the finished grade on which the panel is located.
      (iv) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.
      (v) Landscaping and screening shall be provided in compliance with the requirements of loading and storage as specified within the industrial district.
      (vi) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.
   e. Removal of abandoned solar generating equipment.
      (i) A bond, whose amount shall be determined by the town manager, shall be required to assure the removal of an abandoned solar energy facility.

(ii) Any solar energy facility that has not operated for a period of 12 months shall be considered unused and abandoned. The owner of an unused facility shall remove the entire system within six months of receipt of notice from the town manager notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire and disposing in accordance with local, state, and federal codes and regulations."

Please let me know if you have questions for staff.
Thanks,

Tracy Clatterbuck, CZA
Zoning Administrator

Page County Planning & Community Development
103 South Court Street, Suite B, Luray, VA 22835
Phone: (540) 743-6674 or (540) 743-1324
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Website: http://www.pagecounty.virginia.gov/179/Planning-Community-Development

Tracy Clatterbuck

From:	Tracy Clatterbuck
Sent:	Thursday, October 08, 2020 8:18 AM
To:	Bernie Miller; Catherine Grech; Gary Huffman; Jamie Holsinger; Jared Burner; Jonathan Comer (jcomer@firstbank.com); Keith Weakley (keith.weakley93@gmail.com); William Turner
Subject:	FW: small and medium scale solar
Attachments:	Article 10 small and medium scale requirements10.8.20.docx

Please see attached and below from Ms. Cobb regarding small and medium scale draft regulations.
Thanks,

Tracy Clatterbuck, CZA
Zoning Administrator

Page County Planning & Community Development
103 South Court Street, Suite B, Luray, VA 22835
Phone: (540) 743-6674 or (540) 743-1324
Fax: (540) 743-1419
Website: http://www.pagecounty.virginia.gov/179/Planning-Community-Development

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From: Rebecca Cobb [mailto:rebecca.cobb@bgllc.net]
Sent: Thursday, October 08, 2020 7:23 AM
To: Tracy Clatterbuck <tclatterbuck@pagecounty.virginia.gov>
Cc: Kelly Davis <kelly.davis@bgllc.net>
Subject: small and medium scale solar

[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

Good Morning Tracy,

I used the town language that I sent you previously and drafted potential text for Page. The height limitations and landscaping requirements mimic the language of the utility-scale requirements. The setback is established based on current district standards and appropriate space for the landscaped buffer. Please pass this along to the PC for review. If the PC is inclined this text could be added in as Section 125-73 and the other section numbers adjusted accordingly.

Let me know if you have any questions,

Rebecca S. Cobb, CZA
Senior Planner
The Berkley Group
(434) 547-2789
Rebecca.cobb@bgllc.net
www.bgllc.net

§ 125-73 Small-scale and medium-scale requirements and standards.

A. The design and installation of all solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.

B. Small and medium-scale energy facilities shall comply with all applicable federal, state and county regulations, ordinances and codes.

C. A medium-scale solar facility shall submit a site plan to the zoning administrator and any medium-scale facility installed upon a roof top shall also submit an engineering study to the building official's office for review.

D. All small or medium-scale solar energy facilities shall comply with the following performance standards:

(1) The solar energy facility shall setback a minimum of 50 feet and no small or medium scale facility shall be located in the front of the primary structure.

(2) If the solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the panel height and any accessory structures shall not exceed 15 feet.

(3) The lowest surface of any ground mounted panel shall be a maximum of ten (10) feet above the finished grade.

(4) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.

(5) The facilities shall be screened from the ground-level view of adjacent properties by a buffer zone at least 25 feet wide that shall be landscaped with native and non-invasive plant materials, except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by Page County. Trees shall be a minimum of 6 feet in height at time of planting and in staggered rows of ten (10) foot on center. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice by the County of the violation. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.

(6) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.

E. Removal of abandoned medium-scale solar generating equipment.

(1) A bond, whose amount shall be approved by the zoning administrator, shall be required to assure the removal of an abandoned medium-scale solar energy facility.

(2) Any medium-scale solar energy facility that has not operated for a period of 12 months shall be considered unused and abandoned. The owner of an unused facility shall remove the entire system within six months of receipt of notice from the zoning administrator notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire and disposing in accordance with local, state, and federal codes and regulations.

JSdinges@yAhoo.com

COUNTY OF PAGE
SPECIAL USE PERMIT APPLICATION

FOR OFFICE USE ONLY:	
DATE RECEIVED: ____________	DENSITY RANGE: ____________
AMOUNT PAID: ____________	RECEIPT #: ____________

****

1. The applicant is the owner ✓ other _____ (Check one)

2. OWNER/MAILING ADDRESS — OCCUPANT (If other than owner)

Name: Jeffery S Dinges — Name: ____________

Address: 1746 Honeyville Rd — Address: ____________

Stanley VA 22851

Phone Number: 540-622-7487 — Phone Number: ____________

3. Site Address: 1542 Pine Grove Rd Stanley

4. Directions to property:
From Luray take 340 to Stanley make left onto Hawksbill Dr. Left on Marksville Rd, right onto Pine Grove Rd farm on left 1542 Pine Grove Rd

5. Property size: 5.3 Acres

6. Tax Map Number: 81-A-55
Magisterial District: ____________

7. Current use of the property: Farm / Poultry

8. Description of proposed use: Auto Repair Shop

Size of building(s), if any: 35x90

9. Present Zoning: ✓ A-1 (Agriculture) ____ R (Residential)
____ C-1 (Commercial) ____ I (Industrial)
____ W-C (Woodland Conservation)

Submit names and complete mailing addresses of ALL adjoining property owners, including property owners across any road or right-of-way (Continue on separate sheet if needed).

Note: Names and address of property owners may be found in the Real Estate and Land Use Office at the Commissioner of Revenue's Office.

NAME	ADDRESS
Antionette McCay	PO Box 245 Jonesville, NC 28648
Larry + Reberca Hausden Jr	1448 Pine Grove Rd, Stanley, VA 22851
Lynn Mathews Jr	1506 Pine Grove Rd, Stanley, VA 22851
Herman + Nancy Hoppe	1499 Pine Grove Rd, Stanley VA 22851
Gray Estate	1527 Pine Grove Rd, Stanley, VA 22851
Trustees of Zuckerman	1615 Judy Ln Ext, Stanley, VA 22851

ADJOINING PROPERTY OWNER VERFICATION:

AS APPLICANT FOR THIS SPECIAL USE PERMIT REQUEST,

I _____ (Name)
HEREBY ACKNOWLEDGE THAT I HAVE FAITHFULLY AND CORRECTLY PROVIDED NAMES AND COMPLETE MAILING ADDRESSES OF ALL MY ADJOINING PROPERTY OWNERS AND THOSE DIRECTLY ACROSS THE ROAD OR RIGHT-OF-WAY. I UNDERSTAND THAT FAILURE TO PROVIDE ALL ADJOINING PROPERTY OWNERS WILL LEAVE ME LIABLE FOR ADDITIONAL COSTS FOR RE-ADVERTISEMENT AND NOTICES MAILED AND THAT MY REQUEST COULD BE DELAYED UNTIL PROPER NOTIFICATION HAS BEEN GIVEN TO ALL ADJOINING PROPETY OWNERS AND THOSE PROPERTY OWNERS ACROSS THE ROAD OR RIGHT-OF-WAY.

Attached

_____ _____
DATE SIGNATURE OF APPLICANT

Submit names and complete mailing addresses of ALL adjoining property owners, including property owners across any road or right-of-way (Continue on separate sheet if needed).

Note: Names and address of property owners may be found in the Real Estate and Land Use Office at the Commissioner of Revenue's Office.

NAME	ADDRESS
Listed on previous page	

ADJOINING PROPERTY OWNER VERFICATION:

AS APPLICANT FOR THIS SPECIAL USE PERMIT REQUEST,

I Jeffery S Dinges (Name)
HEREBY ACKNOWLEDGE THAT I HAVE FAITHFULLY AND CORRECTLY PROVIDED NAMES AND COMPLETE MAILING ADDRESSES OF ALL MY ADJOINING PROPERTY OWNERS AND THOSE DIRECTLY ACROSS THE ROAD OR RIGHT-OF-WAY. I UNDERSTAND THAT FAILURE TO PROVIDE ALL ADJOINING PROPERTY OWNERS WILL LEAVE ME LIABLE FOR ADDITIONAL COSTS FOR RE-ADVERTISEMENT AND NOTICES MAILED AND THAT MY REQUEST COULD BE DELAYED UNTIL PROPER NOTIFICATION HAS BEEN GIVEN TO ALL ADJOINING PROPETY OWNERS AND THOSE PROPERTY OWNERS ACROSS THE ROAD OR RIGHT-OF-WAY.

5-22-2020
DATE

SIGNATURE OF APPLICANT

10. Applicants' additional comments, if any:

I (we), the undersigned, do hereby certify that the above information is correct and true. I (we) further understand that in granting approval of this application, the Board of Supervisors may require that I (we) comply with certain conditions and that such approval shall not be considered valid until these conditions are met. *Please refer to the attached "Power of Attorney" form for those applicants that desire to have a spokesperson, who is not the property owner, represent the application and property.*

Signature of Owner: ______________________

Signature of Applicant: ______________________

* *

COMMENTS BY PLANNING AND COMMUNITY DEVELOPMENT OFFICE:

ZONING ADMINISTRATOR

DATE

Well
Litter Shed
Chicken House
Chicken House
Fence
Grease
60'
156'
Fence
150'
Property line
Vehicle Parking/ storage
Fence
Mobile Home
Drain field
Drive way
Drive way
Property Line
Fence & Evergreens
Pine Grove Road

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW **BEFORE SUBMITTING THIS APPLICATION** TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

EXISTING ENTRANCE IS ADEQUATE AND PROPOSED USE SHOULD HAVE NO NEGATIVE IMPACT TO VDOT RIGHT OF WAY

7/7/20
DATE

VDOT OFFICIAL
JEFF NICELY

****

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

DATE

HEALTH OFFICIAL

****

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

DATE

BUILDING OFFICIAL

****

SUBDIVISION PROPERTY OWNERS ASSOCIATION

N/A

DATE

PRESIDENT OR SECRETARY

Community Development Review Application

Applicant: Dinges Jeffery (Last First) Phone: 540-778-2618 email: jsdinges@yahoo.com

Mailing Address: 1746 Honeyville Rd Stanley VA 22851

Site Address of Business: 1542 Pine Grove Rd Stanley VA 22851 (RT. 624)

Property Owner (if different than applicant): _____ (Last First) Phone: _____

Property Owner Address: 1746 Honeyville Rd Stanley VA 22851

Tax Map Number: 81-A-55 Website: _____

Zoning Classification: A Description of Business: Auto Repair Shop/Mechanic

Is Business: Home Based _____ Virtual: _____ Rental: _____ Commercial: ✓

Size of Building: 35'x90' Space used for business: 3150 sq ft Year Built: _____

Accessory Building Being Used: none Size: _____ Attached/Detached: _____

Will this business be open to the public and receive customers inside the building? Yes

Number of Customers per day? _____ Number of Children if Daycare: N/A

Number of Sleepers if cabin rental: N/A Number of bedrooms: N/A

Number of Employees (not including self) 0

Sewage Disposal (check one): Septic ✓ Sewer _____

Water Source (check one): Well ✓ Cistern _____ Town Supply _____

Directions to property: from Luray make left on Hawksbill, Left on Marksville Rd, Right on Pine Grove Rd, location 1542 Pine Grove Rd on right

Contractors, Builders & Developers, Architects, and Engineers: State Lic # _____

Declaration: I declare that the statements herein given are true, full, and correct to the best of my knowledge and belief.

Applicant _____ Date: 02/07/2020

Owner of Property _____ Date: 02/07/2020

Office Use Only ☐Expedited ☒Non Expedited recvd 2/10/20 (KB)

Payment: 50.00 ☒Check #4824 ☐Cash ☐Credit Card ☐Debit Card

Building Official: ☐Approved ☐Denied _____ Date: _____

Zoning Administrator: ☐Approved ☐Denied _____ Date: _____

Health Department: ☐Approved ☐Denied _____ Date: _____

VDOT: ☒Approved ☐Denied _____ Date: 2/12/20

Comments: _____

SPECIAL USE
21-A-55

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW BEFORE SUBMITTING THIS APPLICATION TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

DATE VDOT OFFICIAL

****

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

NO COMMENTS TO REQUEST

9/21/2022
DATE HEALTH OFFICIAL

****

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

DATE BUILDING OFFICIAL

****

SUBDIVISION PROPERTY OWNERS ASSOCIATION

N/A

DATE PRESIDENT OR SECRETARY

1392000043

Community Development Review Application

Applicant: Dinges Jeffery (Last First) Phone: 540-778-2618 email: jsdinges@yahoo.com

Mailing Address: 1746 Honeyville Rd Stanley VA 22851

Site Address of Business: 1542 Pine Grove Rd Stanley VA 22851

Property Owner (if different than applicant): _____ (Last First) Phone: _____

Property Owner Address: 1746 Honeyville Rd Stanley VA 22851

Tax Map Number: 81-A-55 Website: _____

Zoning Classification: A Description of Business: Auto Repair Shop/Mechanic

Is Business: Home Based _____ Virtual: _____ Rental: _____ Commercial: ✓

Size of Building: 35'x 90' Space used for business: 3150 sq ft Year Built: _____

Accessory Building Being Used: none Size: _____ Attached/Detached: _____

Will this business be open to the public and receive customers inside the building? Yes

Number of Customers per day? _____ Number of Children if Daycare: N/A

Number of Sleepers if cabin rental: N/A Number of bedrooms: N/A

Number of Employees (not including self) 0

Sewage Disposal (check one): Septic ✓ Sewer _____

Water Source (check one): Well ✓ Cistern _____ Town Supply _____

Directions to property: from Luray make Left on Hawksbill, Left on Marksville Rd, Right on Pine Grove Rd, Location 1542 Pine Grove Rd on right

Contractors, Builders & Developers, Architects, and Engineers: State Lic # _____

Declaration: I declare that the statements herein given are true, full, and correct to the best of my knowledge and belief.

Applicant _____ Date: 02/07/2020

Owner of Property _____ Date: 02/07/2020

Office Use Only ☐Expedited ☒Non Expedited recvd 2/10/20 KB

Payment: 50.00 ☒Check #4824 ☐Cash ☐Credit Card ☐Debit Card

Building Official: ☐ Approved ☐Denied _____ Date: _____

Zoning Administrator: ☐Approved ☐Denied _____ Date: _____

Health Department: ☒Approved ☐Denied 9/9/20 _____ Date: 9/9/20

VDOT: ☐Approved ☐Denied _____ Date: _____

Comments: 2/26/20 MR DINGES WILL NEED TO ADDRESS SEWAGE DISPOSAL ISSUES BEFORE APPROVAL CAN BE GIVE

81-A-55

PLEASE HAVE THE FOLLOWING AGENCIES ENTER THEIR COMMENTS BELOW **BEFORE SUBMITTING THIS APPLICATION** TO THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

VIRGINIA DEPARTMENT OF TRANSPORTATION- HARRISONBURG RESIDENCY
3536 NORTH VALLEY PIKE
HARRISONBURG, VIRGINIA 22802
(540) 434-2587

DATE VDOT OFFICIAL

* * * * * * * * * * *

PAGE COUNTY HEALTH DEPARTMENT
75 COURT LANE
LURAY, VIRGINIA 22835
(540) 743-6528

DATE HEALTH OFFICIAL

* * * * * * * * * * *

PAGE COUNTY BUILDING OFFICIAL
103 S COURT STREET, SUITE B
LURAY, VIRGINIA 22835
(540) 743-6674

No objections

9/14/2020 Ron Williams
DATE BUILDING OFFICIAL

* * * * * * * * * *

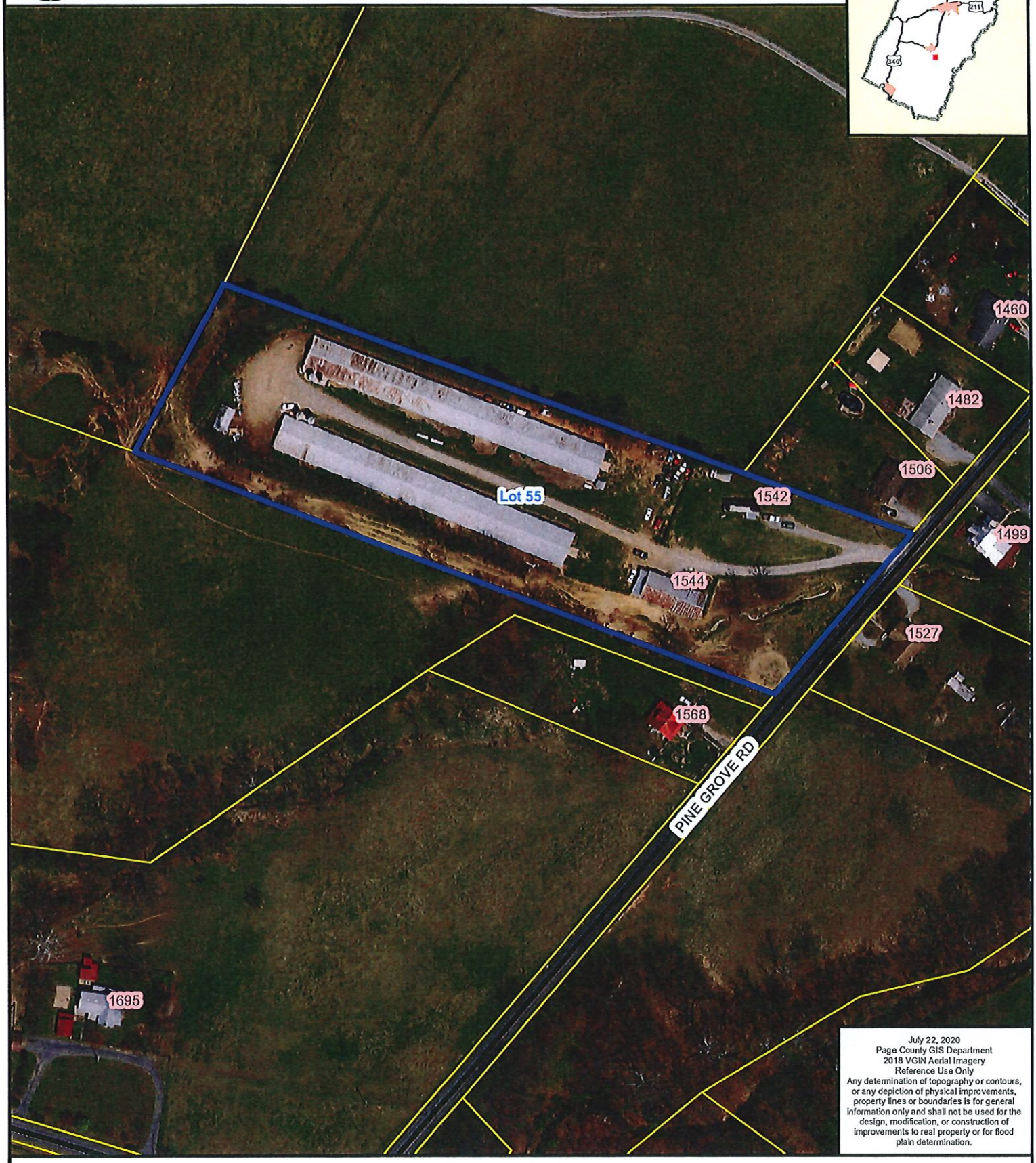
SUBDIVISION PROPERTY OWNERS ASSOCIATION

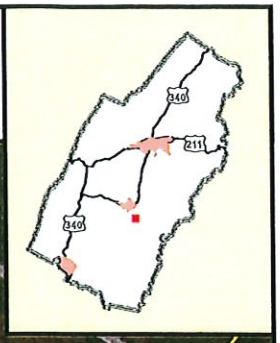
N/A

DATE PRESIDENT OR SECRETARY

Tax Map 81-((A))-55

Aerial Imagery (2018)





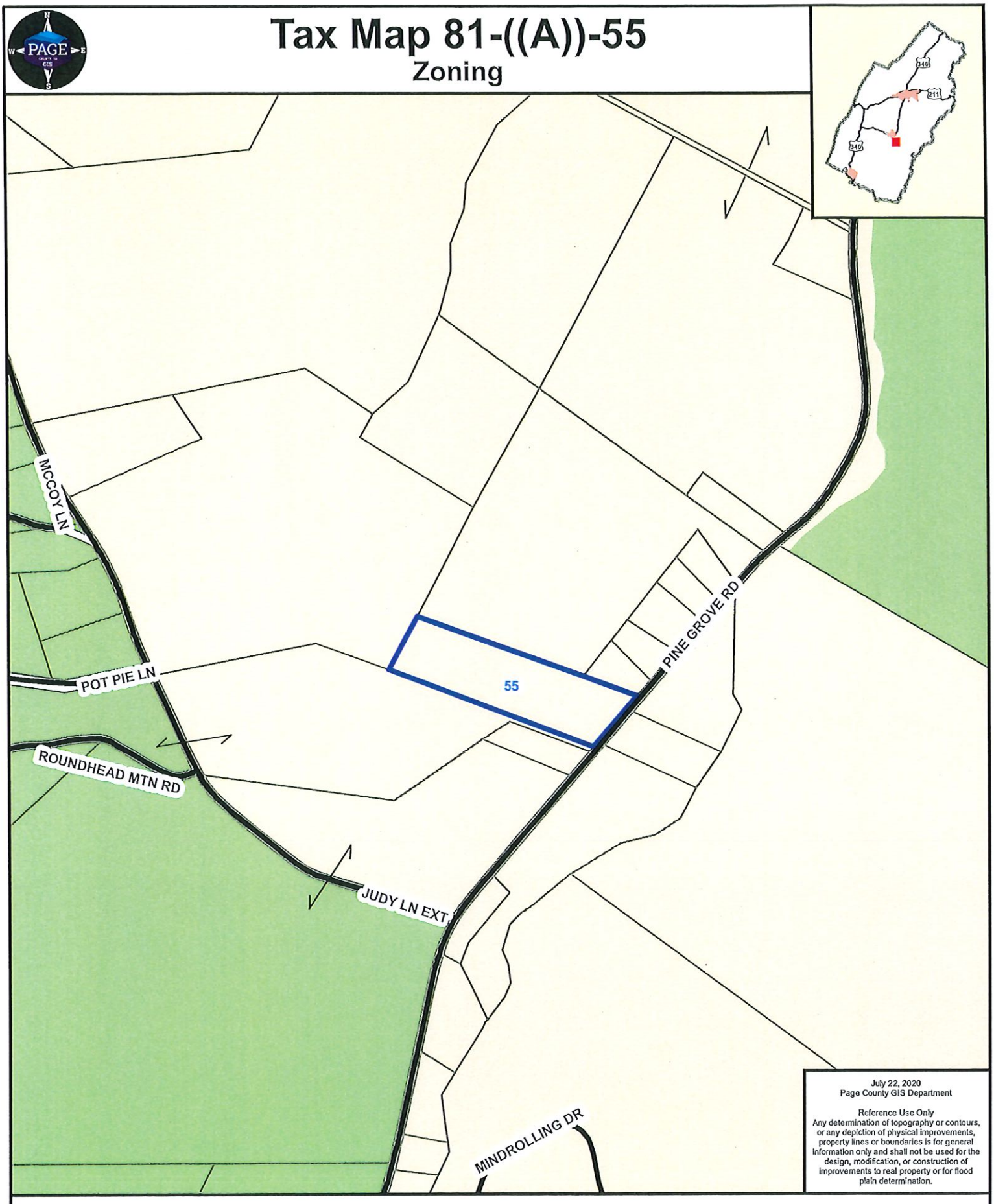
July 22, 2020
Page County GIS Department
2018 VGIN Aerial Imagery
Reference Use Only
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

Legend

- Roads
- 81-((A))-55
- Other Lots

0 100 200 400 Feet

Tax Map 81-((A))-55
Zoning



July 22, 2020
Page County GIS Department

Reference Use Only
Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

Legend

- Roads
- 81-((A))-55
- Other Lots

Current Zoning

- Agricultural
- Woodland Conservation

0 300 600 1,200 Feet

Tracy Clatterbuck

From: Jeff Dinges <jsdinges@yahoo.com>
Sent: Monday, October 05, 2020 3:52 PM
To: Tracy Clatterbuck
Subject: Auto Shop

[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

The Garage /Structure was built on this property around 40 years ago ,I'm going to upgrade the Garage with new paint ,doors etc.
I will keep the property clean from materials,parts,waste etc.
All vehicles will be stored behind a 6' fence above the mobile home as detailed on drawing.
Used motor oil and antifreeze will be stored in steel or plastic 55 gal. drums and stored in a storage trailer.
I will have a waste oil furnace to burn our used waste oil.
- will have a dumpster for trash.
-will have metal storage containers/tippers for scrap metal that will go to the Recycle Center.

I will use 6" solid fencing and maybe some evergreen trees as a screening off adjacent properties.

Tracy Clatterbuck

From: Jeff Dinges <jsdinges@yahoo.com>
Sent: Thursday, October 08, 2020 4:55 PM
To: Tracy Clatterbuck
Subject: Re: Auto Shop

[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

sorry my fault I meant 6 feet

On Thursday, October 8, 2020, 03:55:35 PM EDT, Tracy Clatterbuck <tclatterbuck@pagecounty.virginia.gov> wrote:

Just for record purposes, the code requires 6 feet, no 6 inches. I am sure it is a typo but just wanted to make sure we are on the same page.

Tracy Clatterbuck, CZA

Zoning Administrator

Page County Planning & Community Development

103 South Court Street, Suite B, Luray, VA 22835

Phone: (540) 743-6674 or (540) 743-1324

Fax: (540) 743-1419

Website: http://www.pagecounty.virginia.gov/179/Planning-Community-Development

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From: Jeff Dinges [mailto:jsdinges@yahoo.com]
Sent: Monday, October 05, 2020 3:52 PM
To: Tracy Clatterbuck <tclatterbuck@pagecounty.virginia.gov>
Subject: Auto Shop

[NOTICE: DO NOT CLICK on links or open attachments unless you are sure the content is safe. No email should ever ask you for your username or password.]

§ 125-30.11. Auto repair service facility. [Added 10-18-2016]

A. Auto repair service facility includes a commercial garage and an auto body shop.

B. They shall be screened from view of any adjacent residential district or residential use on an adjacent lot by means of a combination of evergreen landscaping and/or solid fencing with a minimum height of six feet and with the landscaping located nearest the affected lot.

C. Auto repair service facility shall be located on a lot or parcel adjacent to and have access to a state-maintained road.

D. The owner of the operation shall submit plan which meets the County's approval, in the County's sole discretion, stating how the environment will not be degraded by the following aspects:

   (1) The commercial garage structure.

   (2) The accumulation of operable or inoperable vehicles or parts.

   (3) Repair equipment and tools.

   (4) Containers for the storage of parts and liquids (used oil, antifreeze and similar fluids). Containers for liquids shall be clearly identified as to their contents.

E. All associated materials for the operation of the garage at the particular site indicated in the application.

F. A sketch of the parcel showing all of the following information:

   (1) The location of the facility.

   (2) All other buildings (house, outbuildings, storage buildings and similar structurers).

   (3) Proposed and existing parking areas and spaces.

   (4) Septic tank and drain field location.

   (5) Well location.

   (6) All other prominent features of the property.

   (7) Setback distances between all the features above shall be shown in feet.

§ 125-10. Agriculture (A-1). [Amended 4-8-1991; 4-12-1993; 9-9-1996; 5-11-1999; 7-13-1999; 2-12-2002; 6-10-2003; 6-21-2005; 12-19-2006; 3-18-2008; 12-16-2008; 4-21-2009; 6-16-2009; 10-20-2009; 4-20-2010; 9-18-2012; 9-16-2014; 2-7-2017]

A. Statement of intent. This district is intended to preserve the character of those portions of the County where agricultural and other low-intensity uses predominate. To ensure the success of the above goal, it is necessary to maintain a relatively low density of development. The permitted uses should include mainly agriculture and related uses. Generally, soils in these areas are well suited for agricultural purposes. As agricultural land is a primary resource and economic asset of the County, it must be preserved to the greatest extent possible. Very low-density development may be permitted in this area, but agricultural preservation is the primary intent of this district.

B. Permitted uses shall be as follows:

(1) Agriculture.

(2) Wayside or roadside stand or market.

(3) Forest, scenic and wildlife preserves and conservation areas.

(4) Single-family detached dwellings.

(5) Cemeteries; police, fire and rescue squad stations; other essential public services.

(6) Portable sawmills, portable chipping mills, and portable shaving mills.

(7) Electric facilities operating at 40 kilovolts or below.

(8) Bed-and-breakfast establishments and short-term tourist rentals, subject to the provisions of § 125-30.21. **[Amended 8-1-2017]**

(9) Manufactured homes and individual mobile homes.

(10) Confined feeding operations pursuant to the requirements of Article VI of this chapter and pursuant to all other provisions of this chapter.

(11) Only one permitted principal residential structure shall be allowed on any lot, tract or parcel of land.

(12) Town of Luray Wastewater Facility.

(13) Distilleries which are licensed by the Commonwealth in accordance with the Virginia Alcoholic Beverage Control Act, or other Virginia laws, as amended, from time to time. There shall be a limit of 5,000 gallons per year. The applicant shall provide a measured site sketch of the property, including but not limited to parking, and the building used to house the operation. Anything above and beyond the gallons allowed or activity allowed will require a special use permit.

(14) Farmers market. **[Added 6-5-2018]**

(15) Greenhouse retail sales. **[Added 6-5-2018]**

(16) Brewery. **[Added 6-5-2018]**

(17) Winery. **[Added 6-5-2018]**

(18) Aircraft maintenance facilities, avionics repair facilities, aviation terminal buildings, and any other buildings and/or structures related to aviation that are adjacent to and under the control of a public use airport. **[Added 5-19-2020]**

C. Permitted accessory uses located on the same lot with the permitted principal use shall be as follows:

(1) Private garage or private parking area.

(2) Signs pursuant to § 125-20.

(3) Home occupations pursuant to § 125-15.

(4) Customary accessory uses and buildings, provided that they are clearly incidental to the principal use pursuant to § 125-16.

(5) Guesthouse, as defined in § 125-4.

(6) Family day home (less than five unrelated children).

(7) Small system wind energy facility.

(8) Windmill.

D. Uses permitted by special permit shall be as follows:

(1) Lodges or clubs for climbing, hunting, fishing, gunning, nature observation or other similar recreation purposes pursuant to § 125-22.

(2) 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.

(3) Publicly owned sanitary landfills which meet all federal, state and County requirements.

(4) Recreational trailer camps pursuant to § 125-19.

(5) Airstrips meeting all federal, state and County requirements and not to be closer than 1,000 feet from a residential district boundary. All airstrips shall meet requirements as established in § 125-26.

(6) Electric facilities operating above 40 kilovolts.

(7) Churches and public schools.

(8) Professional offices, not higher than two stories and not exceeding 5,000 square feet in area, by special use permit.

(9) Outdoor commercial recreation areas and facilities: camps and campgrounds pursuant to § 125-66.

(10) Pole-designed tower facilities or pole-designed structures not to exceed 100 feet in height with a minimum setback from all property lines of 200 feet, to be used for the primary purpose of communications, including, by way of illustration but not limited to, the following: telephone, radio, television, cable, and signal by special use permit.

(11) Commercial sawmills, commercial chipping mills, and commercial shaving mills pursuant to § 125-30.4.

(12) Commercial workshops as defined in § 125-4.

(13) Veterinarian clinics, pet grooming, boarding and breeding of animals as defined in § 125-4.

(14) Family day home (five or more unrelated children) pursuant to § 125-30.6.

(15) Wholesale businesses and storage warehouses within "confined poultry feeding operation" buildings constructed prior to October 1, 2009. Storage of personal property of the property owner and all agricultural uses are exempt.

(16) Banquet facility and event facility.

(17) (Reserved)[1]

(18) (Reserved)[2]

(19) Self-storage unit.

(20) Farm implements sales with or without service facilities.

(21) Indoor and outdoor shooting ranges.

(22) Auto repair service facility/public garage.

(23) (Reserved)[3]

(24) (Reserved)[4]

(25) Commercial parking facilities. **[Added 3-17-2020]**

E. Minimum lot size shall be as follows: area: 1 3/4 acres; width at setback line: 150 feet.

F. Minimum yard dimensions shall be as follows: front yard: 50 feet, except cul-de-sac lots may be 70 feet; each side yard: 20 feet; rear yard: 50 feet.

G. Maximum building coverage and height shall be as follows: maximum building coverage: 10%; maximum height from average grade: 35 feet/2 1/2 stories. All accessory buildings shall be less than the main building in height, except as provided in § 125-14D.

H. Any new structure designed to be occupied as a residence, church, school, community center or commercial business establishment or industry or any other structure designed for public occupancy shall not be located closer than 300 feet from any confined feeding operation as defined in § 125-32, Article VI, of this chapter.

I. All wells in Agricultural Zoned Districts shall be a Class III "B" well and shall maintain a fifty-foot setback from all property lines adjacent to parcel(s) three acres or larger that are used for an agricultural operation, as defined in § 3.1-22.29(B), Code of Virginia (1950), as amended.[5] A variance may be sought through

---

1. **Editor's Note: Former Subsection D(17), Farmers market, was repealed 6-5-2018; see now Subsection B(14).**
2. **Editor's Note: Former Subsection D(18), Greenhouse, was repealed 6-5-2018; see now Subsection B(15).**
3. **Editor's Note: Former Subsection D(23), Brewery, was repealed 6-5-2018; see now Subsection B(16).**
4. **Editor's Note: Former Subsection D(24), Winery, was repealed 6-5-2018; see now Subsection B(17). Former Subsection D(25), Air bed-and-breakfast establishments, which immediately followed this subsection, was repealed 8-1-2017.**
5. **Editor's Note: See now Code of Virginia, § 3.2-300.**

the Page County Board of Zoning Appeals for a well location closer than 50 feet to the property line if either of the following criteria listed can be achieved: i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or ii) certification by the Page County Health Department that no other site on the property complies with zoning regulations for the construction of a private well. If approved, a variance conveyance form, which is part of the Page County appeal/variance application, must be recorded at the Page County Circuit Court within 90 days of the approval. Failed private drinking water wells that must be replaced by order of the local health department shall follow state health regulations for determining a site for a new well and are exempt from adhering to the foregoing variance procedure.

J. Site plan. Before obtaining a zoning permit for the uses listed within this district either as a permitted use, accessory use or by special use permit a site plan shall be submitted with the zoning application (prior to construction). The site plan should include:

(1) Boundary of the parcel with project name, tax map number, and owner name and contact information.

(2) Building location and setbacks from property lines.

(3) Parking spaces.

(4) Proposed signs.

(5) Lighting with a description.

MINUTES
PAGE COUNTY PLANNING COMMISSION
August 11, 2020

DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE WAS LIMITED. THIS MEETING WAS ACCESSIBLE VIA ZOOM (AUDIO ONLY).

Members Present

Bernie Miller, Chairman, District 1
Donnie Middleton, District 2
Keith Weakley, District 3
Gary Huffman, District 4
Catherine Grech, District 1
Steve Atkins, District 2
James Holsinger, Secretary, District 4

Members Absent

Jared Burner, District 3
William Turner, Vice Chairman, District 5
Jonathan Comer, District 5

Staff Present

Tracy Clatterbuck

Call to Order

Chairman Miller called the August 11, 2020 Page County Planning Commission Regular 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*.

Adoption of Agenda

Mr. Weakley made a motion to accept the agenda as presented. The motion was seconded by Mr. Atkins. The motion passed unanimously 7-0.

Public Hearing

None

Citizen Comments on Agenda Items

None

New Business

A. **Bylaw Amendment- Electronic Participation in Meetings**

Mr. Weakley referenced Part A-1, second paragraph, two meetings or 25 percent. That means two meetings for us will be only 8 percent. It seems like that number could be higher. We meet 23 times a year. I would like to see the two come up, two is very constrictive. Ms. Clatterbuck added that if you look at the state code A-B, it states participation by member percentage of this subdivision is limited each calendar year to two meetings. She suggested taking the percentage out and leave it as two.

Chairman Miller noted this was part of the state code. So, the only thing we are editing is the first page. We cannot change the state code. We can make it less but we cannot make it more. Ms. Clatterbuck stated it is going to automatically fall back to state code but we need something in our bylaws to say that we have adopted a policy.

Mr. Atkins asked if this included regular meetings or if this included regular meetings, workshop meetings, and special meetings, and Ms. Clatterbuck responded that it states "any meeting" that is open to the public. Mr. Holsinger encouraged people not to use that for subcommittees

Mrs. Grech questioned if this was what is followed at the Board of Supervisors level, and Ms. Clatterbuck confirmed. She also noted this enabled a commissioner to vote remotely who is not physically present.

Mr. Holsinger questioned if the commission could change it. For example, if we want to say that this particular part did not apply to subcommittee meetings. Mr. Holsinger noted that you still had to have to have a physical quorum to kick off the meeting.

Ms. Clatterbuck replied that it stated any meeting where in the public business is discussed or transacted through electronic communication means. She would interpret that to say it would include subcommittee meetings as well.

Mr. Holsinger asked if after we add it, would it allow us to meet remotely in a declared emergency. Ms. Clatterbuck responded that could only be done through executive order by the Board of Supervisors, which is a separate matter.

Chairman Miller noted they have the one change of A1 the calendar year to two meetings and delete the "or 25 percent". Mr. Holsinger suggested they send this on for review and process it once it returns.

Ms. Clatterbuck asked what section they wanted it added under. After discussion, it was decided on 7.6

B. Leona Dean- Special Use Permit Application (Introduction)

Ms. Clatterbuck presented the following staff report:
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.

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 is requesting that the Page County Planning Commission hold a public hearing on this SUP application at the August 25, 2020 work session, and direct staff to provide adequate notice of such hearing in accordance with the Code of Virginia 15.2-2204.

There were no questions or concerns from the commission regarding the application. Mr. Holsinger made a motion to schedule the application for public hearing on August 25, 2020. The motion was seconded by Mr. Weakley. The motion passed unanimously.

Unfinished Business

None

Open Citizen Comment Period

Beth Snyder – She was wondering if she understood it right from the last meeting, that the Berkley Group that they are now considering having no size limit on the solar. It sounded like the commission was trying to take that out. That is pretty worrisome. The Berkley Group seemed like they had a lot of good recommendations and the county paid for the recommendations but it seems like if you strip out all the protections, then the county is just wasting their money on having paid for all those recommendations. It seemed like they had given you several recommendations that were just struck out or not wanting to put a size limit on it. I would just like to say once again, it would be nice if you would consider protecting the county and the citizens when you are trying to put an ordinance in place.

Clyde Humphrey – He stated he supported solar farms in Page County and was in favor of them. He is not opposed, provided it is properly regulated. The reason solar farms need to be regulated is to protect our county. The county's economy is about 165 Million Dollars per year in agriculture...about 90 Million Dollars per year in tourism. Now, solar is vitally important to reducing our dependence on fossil fuels, which is good, solar will not make any significant contribution to our counties budget. Maybe 100,000 to 200,000 per year in taxes, which is minuscule compared to our economy in agriculture and tourism. We need to make sure that solar farms do not harm the economy that we have. We have been working on the solar ordinance for about two years. We have developed a very high level of expertise. When the Berkley Group gave the commission a draft ordinance in November 2019, we marked it up with about ninety recommended changes. Those were provided to you in writing in February of this year. Our changes were intended to improve the ordinance. Only one or two changes were debatable. One was in regard to area. In February, you told us that you would review our recommended changes after you reviewed Berkley Group's draft and the proposed changes from your subcommittee. We are still waiting. We would still like for you to review the recommendations that we made. Referring to the question of area, we recommended the area enclosed

by the security fence be not more than 150 acres. This is not arbitrary. We feel that to be the maximum area that could be effectively screened so as to preserve our existing economy in the county. So as to not adversely affect tourism in particular. The area enclosed by the security fence has the advantage of being a very well defined and meaningful area. The total area of the site is not something we need to regulate. If you have a 150-acre solar farm, on a 600-acre site, it is totally immaterial from a regulation point of view, as to how big the total site is. Likewise, we do not need to regulate the percent of the site that is utilized by solar. We are only concerned with how much is utilized by the solar farm. We should focus on what is important. How it affects our economy. We also recommend a solar farm to be outside the planning tiers of the towns. We also recommend that they should be one mile from the towns, so as not to constrain the growth of the towns over the next forty to seventy years. We recommend they be one quarter mile from the federal highways, particularly US HWY 211 and 340, so as to protect our tourism. Again, these recommendations are to protect our economy. They are not arbitrary. I do not know what affect these recommendations would have on the Houser property, which had been previously been proposed for solar development. If they abided by these recommendations, they would still be able to develop a solar farm of approximately 150 acres on their site. It does not shut anybody out. That would be about twice the size of the Dogwood project, which is only 76 acres within the security fence. So, I request the commissioners carefully review all the recommendations that we have submitted.

Chris Anderson – Ms. Anderson stated she represents the Alliance for the Shenandoah Valley and she is also a citizen of Page County Residing in District 3. The size of the utility scale developments is one of the most important issues for turning the impacts to Page County. Per scale, she wanted to share some common locations in Luray and their sizes. Wal-Mart, including the building and parking lot, is about 8 acres. Luray High School, including the building and parking lot, is about 14 acres. East Luray Shopping Center, including its building and parking lot plus the Wrangler Plant, is 26 acres. The Luray Caverns parking lot down to HWY 211 and Cave Hill is about 111 acres. If you add in the Liberty station next to Wal-Mart, the West Luray Shopping Center, Luray Elementary and Middle Schools, plus the buildings parking lots and ball fields the total is about 225 acres. So, we need size limits so these installations do not negatively affect the rural character of Page County. Citizens have been alarmed at the suggested size of 500 acres in the draft solar ordinance that the Berkley Group created, and have urged much smaller size limits in order to uphold the language in our Comprehensive Plan to protect our tourism and agricultural sectors. Now, there has been a remark that there could be no size limits on utility scale solar developments. We are blessed to live in a beautiful, small rural county that people come from all over the world to see and enjoy. We need to protect growing agricultural land. The county's economy depends on working agricultural lands and a strong tourism economy is closely tied to these working landscapes. Our cultural heritage is tied to these working lands. This isn't empty farmland, but is productive land that drives the economy. Allowing hundreds of acres of utility solar developments could destroy that. Let's protect what we have here. We definitely need size limits to utility scale solar. We can lead by example, by getting on board with renewable energy by considering utility scale solar, on county owned land, if it fits within the Comprehensive Plan. Instead of using up our valuable farm land, lets install rooftop solar to keep the energy generation local, powering the needs of the building that are using that energy. We are just at the early stages of utility scale solar permit applications. There will be more proposals to come. Let's write this ordinance to protect what we know is working at Page County which is a thriving tourism industry based on our beautiful landscapes, views, and our hardworking agricultural operations.

Rod Graves – As you are evaluating the solar ordinance, take into account a lot of what people said tonight. My family has been here providing this county with employment and revenue through Luray Caverns for over 121 years. During this time, we have collectively learned a thing or two about our business, especially tourism, as we live in the county. Very soon our business has prospered from tourism here is going to be celebrating on August 3, 1978, 122 years. The natural beauty of this area has been its most prized asset to bring people here to that business....not just Luray Caverns. This has been going on 142 years. People

remark back at 1878/79 to present about the remarkable beauty of where we live and the uniqueness of that beauty. The visitors that we attract here are from all over the country and from all over the world. We represent 65 countries a year. These people spend their money, stay here in the county, and eat at the restaurants. They stroll along our freeways, look at our river, shop in our shops, get married, buy real-estate, come again and again bringing their children and grandchildren. This natural beauty is fragile. As a body, and governing agency, you need to understand that we cannot take this enormous economic resource for granted. You won't know how fragile that asset is until you damage it and it is too late. Hence, total disregard for scenic byways....established years ago, by our comprehensive plan. In my opinion, should have stayed there. No reason they shouldn't. In my 56 years, in the 120 years my family's business has served in this county, many outsiders have come and gone with the sweet words to allure this county to the schemes that have hurt this county. We need to proceed with extreme care and caution so that this does not continue to happen again. I am in favor of solar. It is just how much and the scale and size as it matters. Yes, in our rush to do our part, we should be very careful not to damage this unique economic landscape that we have in Page County on projects that can have a huge impact on our basic revenues and what is already successful. I've been strongly opposed to large scale industrial solar which would be large swaths that cannot be disguised or hidden because of the bowl shape of this county and the Skyline Drive, which brings millions of visitors and revenue yearly to this county. I hope this board will oppose projects that are larger than 150 acres and protect our 340 and 211 HWY corridors with at least a quarter of a mile distance. This means that we care for our entrances to our basic communities as the people come in and as they exit. That's a good thing and keeps you all in business too. I also ask that we have a cap to the number of projects to make sure that our county would not be forced to producing more energy than we actually consume. We should not sacrifice our farmland our unparallel views. We have a unique opportunity to protect our county and I hope we will be wise enough without stepping on quick sand. Do not let this feel good project come back on us and have self-evident damage to our beautiful home we call Page County.

Chairman Miller thanked the citizens for coming and giving their opinion. I do want to say that we are still in discussions with the Berkley Group, as nothing is firm yet.

Mr. Weakley stated he would like to correct one piece of misinformation. At no point, at any time in that meeting did this commission recommend that we have no limit. That was one comment, by one commissioner, off the cuff, and when we went back around the room, he said this is my personal opinion and I know that will never happen. At the end of that meeting, when we went back around the room, it was asked does anyone want to increase that from 500, not a single hand went up. Ms. Cobb said now we are getting somewhere. So, this commission is not entertaining a no-limit on solar farms. It did not happen and it is not true. Mr. Holsinger stated he would also say that we don't need to be concerned about the total acreage but the fundamental difficulty is the acreage covered by solar panels. And the current offering doesn't go that route. Yes, I think that we wanted to redefine that. Mr. Weakley stated we clearly told the Berkley Group last meeting. Mr. Holsinger stated he thought that it would be fine to send a reminder to them that we really don't embrace the current structure. That is what I got from the meeting. We raised hands, and we to also let the Berkley Group know that it is not appropriate to do raising of the hands. How is the person that can't come to the meeting to read that? We should do something for the Berkley Group that clearly states a little more clearly what the members stances are rather than silently raising hands. Mr. Weakley stated that we told them upfront, this would be the hardest thing that we do. We are going to put that to the end. No decisions have been made. It is very much still under deliberation and discussion. Mr. Holsinger stated he did support taking the 500 acres out, and he did support eliminating the percentage as they seem to be meaningless.

Chairman's Report

Chairman Miller thanked everyone for coming.

Clerk's Report

Ms. Clatterbuck – Knott's Roofing is scheduled for public hearing with the Board of Supervisors next week on the 18th.

There is a pending application for a special use permit for an auto repair facility that will be brought to the commission soon.

Lastly, Mrs. Grech completed the planning commissioner's program recently. Some members have not done this so staff provided the schedule for the remainder of the year for those that need it to consider.

Adjourn

Mr. Miller adjourned the meeting at 8:05 p.m.

Bernie Miller, Chairman

Jamie Holsinger, Secretary