

MINUTES
PAGE COUNTY PLANNING COMMISSION
March 10, 2020

Members Present

Bernie Miller, Chairman, District 1
Steve Atkins, District 2
Keith Weakley, District 3
James Holsinger, Secretary, District 4

Catherine Grech, District 1
Donnie Middleton, District 2
Jared Burner, District 3
Jonathan Comer, District 5

Members Absent

William Turner, Vice Chairman, District 5

David Dean, District 4

Staff Present

Tracy Clatterbuck

Call to Order

Mr. Miller called the March 10, 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. Comer made a motion to accept the agenda as presented. The motion was seconded by Mr. Atkins. The motion passed unanimously 8-0.

Public Hearing

None

Citizen Comments on Agenda Items

Paul Otto- Mr. Otto began by reminding the commission that when they were discussing the Comp Plan it was recommended that the teeth be taken out of the Comp Plan and put into the solar ordinance. It is apparent over the last few meetings that you have removed the teeth from the solar ordinance. If you think the teeth will be in the special use permit, they may and they may not be. There needs to be minimum criteria in the ordinance that will protect the citizens and the interest of the county. The ordinance should have minimum criteria that is required and the special use permit should have conditions that are site specific which can be more stringent if necessary. He encouraged the commission to take another look at the teeth they have removed from the ordinance in the last few meetings.

Beth Snider- Ms. Snider began by stating at the February 11th meeting, Ms. Clatterbuck stated that the citizen suggestions would be on tonight's meeting agenda for discussion. Based on the agenda, that is not the case and she wondered why that was. According to Ms. Clatterbuck, that was because of the direction from Chairman Miller. She wanted to understand why some of the minimum development standards were removed from the draft that the paid consultants prepared. She would hope that as commissioners they would do their homework if they did not understand what they were. There are many resources, beginning with our Comp Plan, all the way up to asking the paid consultants why they put those in there and what they mean. It seems several commissioners want to remove the word "shall" throughout the document. By doing that, you are creating a list of suggestions, not rules. The size is very important and you need to consider the loads of the transmission lines. Responsible siting is important considering size, scale, acreage, etc. You should encourage small scale rather than industrial scale.

Ken Jemielly- Mr. Jemielly would like to second what the previous citizens have stated.

Clyde Humphrey- Mr. Humphrey urged them to make the solar ordinance fairly comprehensive, tight, and with a lot of detail. It needs to be a thorough ordinance. The more that is in the ordinance, the better off we will all be when it gets to the special use permit review process. You can avoid a lot of debate if you make it a tight ordinance. Regarding the discussion from last meeting about areas, this can be easily solved if you tightly define what you mean by site. The area upon which the panels and equipment are located is very important. If you require a fence around all the panels and equipment, you can define the area as the area behind the fence. That gives you a sharp, crisp, well defined area of what we are talking about when we say site. You can define setbacks from fencing, require buffering in front of the fence, etc. If you specify area inside the fence, that is the area that needs to be screened. The smaller you keep that area, the more you protect the beauty of Page County.

New Business

None

Unfinished Business

- A. **Review and discussion of the draft solar ordinance regulations prepared by the Berkley Group**
Chairman Miller stated they would begin by picking up where they left off at the last meeting. People may not like some of the changes that have been made, but we need to get through this draft so we will not be going back discussing any of those changes made at previous meetings.

Since Mr. Weakley has not been at the last few meetings, Chairman Miller asked him to take a look at Section 125-73(h) and provide his opinion on the drafted language. Mr. Weakley stated he didn't know if a solar facility would need a commercial entrance because once they are constructed they don't generate a lot of traffic. VDOT is required to provide comment on the special use permit application so it would be reviewed at that time. Mr. Atwood would be the person that could best answer that question. If a traffic study is required, they will do it at that time more than likely. Chairman Miller asked if the applicant should be required to submit a traffic study. Mr. Weakley stated this ordinance is not directed toward VDOT, it is for the applicant. The applicant would be responsible for the expense, etc. of the study. Mr. Weakley suggested wherever in the document in mentioned "professional engineer" it should say "licensed professional engineer". Chairman Miller requested a roll call vote on the suggestion. The consensus of the commission agreed with the change. (Comer- yes, Middleton- yes, Grech- yes, Atkins- yes, Holsinger- yes, Burner- yes, Weakley- yes, Miller- yes)

Chairman Miller proceeded to read Section 125-75(f). He asked if the commissioners had any recommended changes. Ms. Grech suggested adding native species and a minimum height requirement such as 4-6 feet high. Mr. Weakley suggested using non-invasive instead of native. Mr. Comer asked if anywhere in the ordinance where screening is mentioned if it defines what the height is, and Ms. Clatterbuck responded that nowhere in the ordinance did it define height or type of screening requirements. Ms. Grech asked if they could require planting prior to construction of the facility rather than waiting until the end. Mr. Weakley noted that is always the last thing that is done on VDOT projects. He noted that E&S control measures would be required throughout the project. He suggested rather than saying 4-6 feet, to pick a number. Mr. Holsinger suggested six feet. The commission agreed to six feet.

Chairman Miller proceeded to read Section 125-75(g). He asked if the commissioners had any recommended changes. Mr. Atkins stated he understood the razor, but questioned the barbed wire. Mr. Weakley stated there was a lot of copper in these facilities, so it may be for intruders to make it a little more difficult to access. Ms. Grech stated she thought the National Electric Code defined what was required for fencing. Chairman Miller suggested this be something they discuss with the consultant.

Chairman Miller proceeded to read Section 125-75(h). He asked if the commissioners had any recommended changes. Mr. Weakley suggested everywhere it says "native" it should be changed to "non-invasive". Ms. Grech asked if they were going to specify how often they test the soil and water. Mr. Comer noted based on how it was drafted, you could make them do it every day if you wanted.

Chairman Miller proceeded to read Section 125-75(i). Mr. Holsinger stated the sub-committees recommendation is to strike that and address it in the special use permit. Ms. Grech suggested the following change to be added to Section 125-73(c)10:

The applicant shall consult with the Department of Game and Inland Fisheries and provide a written recommendation regarding wildlife corridors.

Chairman Miller requested roll call vote. The commission agreed to the changes. (Comer- yes, Grech- yes, Alkins- yes, Holsinger- yes, Weakley- yes, Burner- yes, Miller- yes)
Since it was added under this section, we will strike Section 125-75(i).

Chairman Miller proceeded to read Section 125-75(j). There were no suggested changes.

Chairman Miller proceeded to read Section 125-75(k). Ms. Grech suggested that the commission consider the word usage of owner, operator, and project owner throughout the paragraph. Mr. Weakley suggested it be "operator" used throughout the paragraph. Mr. Comer noted it wasn't a big deal because if the facility was not in compliance with the special use permit, then the special use would be revoked. After further discussion, it was decided they would refer the question to the consultant.

Chairman Miller proceeded to read Section 125-75(l). There were no suggested changes.

Chairman Miller proceeded to read Section 125-75(m). There were no suggested changes.

Chairman Miller proceeded to read Section 125-75(n). After some discussion, there were no recommended changes.

Chairman Miller proceeded to read Section 125-75(o). After some discussion, there were no recommended changes.

Ms. Grech raised the question of when there was an emergency or failure of the equipment, since there will be no one onsite at all times, she wondered what the response time would be and who would be responsible for handling the issue. Mr. Weakley noted that the facility would be probably monitored by cameras and equipment remotely, and when something goes wrong that would then alert the system. Ms. Grech requested that an incident response plan be required. Mr. Weakley suggested the following language be added to Section 125-75(k): The applicant shall be required to submit an incident response plan to Page County.

Chairman Miller proceeded to read Section 125-75(p). There were no suggested changes.

Chairman Miller proceeded to read Section 125-75(q). There were no suggested changes.

Chairman Miller proceeded to read Section 125-75(r). Mr. Burner suggested the following change in which the commission agreed:

(r) Any other condition added by Page County Board of Supervisors as part of a SUP approval.

Chairman Miller proceeded to read Section 125-76(a). After discussion, the following change was recommended in which the commission agreed:

(a) Solar facilities which have reached the end of the term of the special use permit or have.....

Chairman Miller proceeded to read Section 125-76(b). There were no suggested changes.

Chairman Miller proceeded to read Section 125-76(c). After discussion amongst the commission, there were no suggested changes.

Chairman Miller proceeded to read Section 125-76(d). There was discussion amongst the commission regarding the time period in which sites must be re-graded, re-seeded, etc. The commission asked staff to check on the timeframe of when a site must be restored. Mr. Weakley stated he would work on the wording of this section.

Chairman Miller proceeded to read Section 125-76(e). Mr. Holsinger reviewed the sub-committee comments written on the draft. Ms. Grech stated the decommissioning plan should be written carefully; therefore, we should be cautious on who and how it is amended. Maybe we should use words such as minor amendments. Mr. Weakley noted that there should be a third party reviewing the decommissioning plan. After further discussion, the commission decided to continue this conversation with the consultant.

Chairman Miller proceeded to read Section 125-76(f). Ms. Grech suggested the following change in which the commission agreed:

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

Chairman Miller decided the commission would resume the line-by-line item review of the draft at the next meeting beginning at Section 125-76(g).

Open Citizen Comment Period

Ken Jemielly- Mr. Jemielly stated he thought the meeting tonight had went a lot better than the previous two meetings and he thanked the commission for that. He suggested the commission consider adding some of the minimum development standards back into the draft that were removed at the previous meeting.

Beth Snider- Ms. Snider stated she agreed the meeting did go better tonight. She wondered if the minimum development standards would be put back in. The county has a lot of resources of local people in the county such as engineers, electricians, etc. We want protection put in the ordinance for our county and citizens. Written citizen comments on the draft was supposed to be on the agenda tonight and she was disappointed they were not. Is it because of the one commission member has stated that if he doesn't want to hear our comments then he doesn't have to wear that shoe and can ignore us. Some of the minimum development standards removed seem to help with the Chairman's desire to have his own solar project. Maybe all of you want a solar project. That would seem to be a clear conflict of interest if you are making all the rules. She suggested that all members go visit the Spotsylvania site which is a mess. Essex, North Carolina, Double Toll Gate, all of them are mess. Don't leave the county holding the bag.

Clyde Humphrey- Mr. Humphrey stated he was really concerned with the schedule of the solar progress. The target dates set back weeks ago, have not been followed. Citizens have provided written comments on the draft and the commission should carefully review and consider these comments from citizens just as they have the draft from the consultant. When do you plan to review the recommendations that have been submitted in writing by the citizens?

Isabel Graves- Mrs. Graves stated she was disappointed that several of the minimum development standards were removed from the draft. Also, deleting the "shalls" throughout the document will mean you have an ordinance with no teeth. It was her opinion, doing this allows a solar facility to happen in Page County. You also need to consider ownership and control of these facilities. She is very concerned on how this draft and process is being handled. Consider what we are losing in the long term by what we will gain in the short term.

Paul Quigg- Mr. Quigg stated he had been an architect, engineer, and planner for over 70 years. The idea that we can create a weak ordinance and strengthen regulations in the special use permit is completely contrary to good planning procedures. It is very difficult once you have an ordinance to put the genie back in the bottle. Please reconsider that philosophy. Doing it that way will open yourself up to further litigation.

Chairman's Report

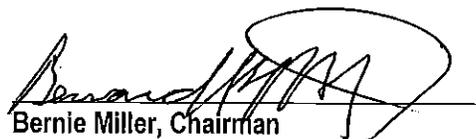
Chairman Miller stated all the commissioners were here to do their very best on such a complex topic. The plan was to review this document, line-by-line, then bring in the consultants. We can then bring in citizen comments and review those line-by-line if we choose. This is going to be a long process and as Chairman I am not trying to run this through. Please work with us and let's keep this civil.

Clerk's Report

Ms. Clatterbuck noted that at the next meeting she would be bringing a couple of rezoning applications to the commission for introduction provided the application is completed in the next week. She also informed the commission that the consultant is ready to have the kick off joint meeting with the board and the commission on the overhaul of the zoning ordinance. Once a date has been set, she will let the commission know.

Adjourn

Mr. Miller adjourned the meeting at 9:32 p.m.


Bernie Miller, Chairman


Jamie Holsinger, Secretary

