

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**June 9, 2020**

DUE TO THE COVID-19 PANDEMIC, IN PERSON ATTENDANCE WAS NOT PERMITTED. THIS MEETING WAS ACCESSIBLE VIA ZOOM (AUDIO ONLY).

**Members Present**

Bernie Miller, Chairman, District 1  
Steve Atkins, District 2  
Keith Weakley, District 3  
Jonathan Comer, District 5

Catherine Grech, District 1  
Donnie Middleton, District 2  
James Holsinger, Secretary, District 4  
William Turner, Vice Chairman, District 5

**Members Absent**

Vacant, District 4

Jared Burner, District 3

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Miller called the June 9, 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 7:01 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. Turner. The motion passed unanimously 8-0.

**Public Hearing**

None

**Citizen Comments on Agenda Items**

Beth Snider (via online public comment form) - "Regarding solar on the agenda. As requested, we submitted our suggestions for the ordinance prior to the March 10 meeting for the planned discussion, it was removed from the agenda and not discussed as promised by the PC chairman. I have emailed suggestions for the ordinance again; I sincerely hope the points have been considered.

We feel that careful consideration needs to be made when writing this ordinance to ensure proper precautions are made to protect the county, neighbors, and all citizens from the long-term risks of these projects.

The project that has begun in Spotsylvania should be a learning tool for Page County, they have created an awful and ugly mess there. The neighbors are already enduring hardships from the poorly planned and mismanaged governmental decisions in dealing with a company that cares nothing about the area and citizens. They have caused damage in the surrounding properties since the start, massive/ extensive flooding into nearby properties (due to insufficient setbacks, taking out too many trees and erosion). The traffic problems, not adhering to their proposed plans for the roads. Their "buffer" which consisted of planting dying and/or dead trees... just to name a few points.

It is too late for them to correct some of their misguidance on their rules for solar, but it is NOT too late for Page County to put in solid restrictions that will mitigate these problems. We ask you to revisit some of

these points (setbacks and buffers should be increased, size should be decreased) as those points will be part of the protective measures.

I sincerely hope that at least some of the PC members have reached out to these other communities dealing with solar to find out the truth of how these massive industrial sites will impact neighbors, communities and counties rather than relying on the solar company coming to your/your family/your friends land and the sales pitch from them. The solar companies will not be forthcoming with information as to the impacts and risks, they will no longer be around when they occur.

Other counties, states, countries have experienced long-term and/or permanent damage to their communities due to renewable energy projects and with dealing with companies (many which have had bad business practices in their past). You need to have a strong ordinance in place as once you begin allowing these companies in there is no turning back, Page County does not have the resources to follow up long-term on the mistakes made early by your recommendations.

Those of you familiar with the history of Page County and surrounding areas know that more than 2000 people were forced to relocate from the mountains to provide the "Natural landscape" in the Shenandoah National Park with the scenic views for the greater good and it brings many people to the area each year to continue to enjoy the breathtaking views, lush greenery, working farms, animals, rivers and caverns. These precious commodities also need to be fully considered also when writing an ordinance to limit the long-term damage that these industrial power plants will bring to Page County. Why further disgrace families that lost other their land "so others may enjoy" by allowing huge eyesores and potential environmental disasters?

During this process, several have spoken regarding the conflict of interests of one or more PC members regarding solar. The county hired the Berkeley Group to assist with writing it and we have seen sections stricken, modified and changed to due personal situations of some PC members (or their friends) wanting to put solar on their own, their family, or their friend's property which are not in the best interest of the entire community.

We sincerely hope that these observations are seen by the other unbiased members of the PC and those members will speak out on the behalf of the entire community and not continue to let more protections be removed and/or reduced by those with plans to benefit from using their positions to write the language of the ordinance."

Isabel Graves (via online public comment form)- "I am very concerned about the current meeting format that allows citizens comments only in writing and before the actual meeting. Although I understand that this is due to the Covid19 situation, I feel that does muffle our right to speak and our concerns as we are not allowed direct input during the meetings.

I ask to please not make any major decisions on the solar issue during this time when citizens voices are restricted by the meeting format and our county is particularly vulnerable.

I am deeply concerned (like other citizens) about potential conflicts of interest within the PC that may adapt recommendations and policies to personal benefit.

I expect as a citizen to see a high level of integrity, and a selfless effort from our supervisors, from our planning commission to protect our county and our citizens from projects that can be very rapacious and very damaging to our county such as massive industrial solar.

I expect, like many others a county that does not meet the stereotype of a place " run by Good Ole' Boys" who do what is best for themselves and their friends. Please don't be one of those places.

Nothing good comes out of it, and we are all watching."

## New Business

**A. Adoption of Minutes- March 5, 2020, March 10, 2020, April 28, 2020, & May 26, 2020**

March 5, 2020- Ms. Grech requested the following change: Page 3 of 4, second line, change *costed* to *cost*.

March 10, 2020- Ms. Grech requested the following change: Page 3, third line, change *non-evasive* to *evasive*. <sup>invasive</sup> ~~invasive~~

Mr. Comer made a motion to approve the minutes with changes noted above. Mr. Atkins seconded the motion. The motion passed by a roll call vote of 8-0.

**Unfinished Business**

**A. Review and discussion of the draft solar ordinance regulations prepared by the Berkley Group**  
Chairman Miller explained that Mr. Comer would be leading the commission through the review of the draft solar ordinance beginning on page 8, Section 125-76(g). Mr. Comer begun by asking if any commissioners had changes or comments on that section.

Ms. Grech stated that she thought 125-76(g)5 should be restricted to a performance bond or escrow account and make sure the review takes place every 5 years. She suggested the language be developed and carefully reviewed by The Berkley Group. She also suggested on 125-76(g) 4 be changed as follows: delete *owner or occupant* and replace with a *Virginia licensed Engineer*.

Mr. Comer asked if anyone had any changes to 125-76 (h). Mr. Weakley questioned *the proposed date of decommissioning*- was that the beginning of decommissioning or the completion of decommissioning. Ms. Grech stated that we needed to make sure there is much detail in this ordinance for enforcement. The ordinance should be light so that we protect the county and not the developer. Mr. Weakley stated if there was an ambiguity they would win so we needed to be very cautious on the wording. Mr. Comer noted that we could ask the consultants about this section as well.

Mr. Comer asked if anyone had any changes to 125-77. Ms. Grech suggested that if we were going to have permits possibly up to 30 years than the language should say the training will be ongoing and regular every 3 years. She also brought up access to the site. She suggested they consult with EMS on how often the training would be needed. Mr. Weakley said at a bare minimum, we could say annual materials, education..... Mr. Atkins suggested they should be required to train all agencies and not just the one in that district where the project is located.

Mr. Comer asked if anyone had any changes to 125-78(a). Mr. Comer suggested that it appeared there was not a "B" therefore "a" should be eliminated and that sentence would become the preamble.

Mr. Weakley noted the inconsistency with the word "substantial". Ms. Grech suggested changing that to "compliance". She also suggested the "may" should become "shall" in that section.

Mr. Comer stated that 2, 3, and 4 are standard language typically in the permits.

Ms. Grech stated they may should add a stipulation about regular review of the water quality.

Mr. Holsinger noted that fees are determined only by the Board of Supervisors. Ms. Grech stated the ordinance should say the fees are paid by the applicant and not the county. It is not necessarily saying what the fee amounts are but rather that the applicant is responsible. Mr. Holsinger noted that we just didn't want to mislead people in fee amounts since the board determines those amounts and suggested they move on.

Mr. Comer asked if anyone had any changes to 125-78(5). There was discussion amongst the commission about the new bills that are becoming effective July 1<sup>st</sup>. Ms. Grech suggested it not be extended beyond 24 months. Mr. Comer explained that due to the state permit process as that is why 36 months was suggested because that permit process does take time. After much discussion, it was decided to change that to 24 months so that it matches the current zoning ordinance regarding special use permits.

Mr. Comer asked if anyone had any changes to 125-78(6). There were no suggested changes.

Mr. Comer asked if anyone had any changes to 125-78(7). Mr. Comer asked since permits run with the land, if they change ownership, are there ownership change requirements with all permits? Ms. Clatterbuck responded no, this was specific to solar. Ms. Grech asked if the county should have right to approve or deny the change in ownership. Mr. Comer responded that whomever owns and/or operates it must be in compliance with the special use permit and the ordinance, but you can't discriminate what company or person owns/operates it. Chairman Miller asked why power purchase agreement was included in this. Mr. Comer noted that could be a question for the Berkley Group.

Mr. Comer proceeded to review the comments from the solar ordinance sub-committee.

Ms. Grech asked if the screening requirements across the board for all uses was going to be discussed with the Berkley Group. Ms. Clatterbuck noted she had only specifically sent screening issues for items such as junk vehicles, etc. to them as a heads up based on enforcement issues. Mr. Holsinger stated he felt better about the upcoming joint meeting with the consultant and thinks the commission should be prepared to review what is presented by the consultant, and should be familiar with the current zones in the ordinance.

Mr. Weakley stated that under the definition of small scale solar facility, they should put an exclusion in there for passive solar homes.

Ms. Grech asked if we addressed maximum duration of the permits. Ms. Clatterbuck replied that was typically addressed in the special use permit conditions as the zoning ordinance requires a time limit but doesn't determine what that number is. Ms. Grech stated she had attended a solar seminar and they recommended no more than 25-30 years. Mr. Comer stated the ordinance already says you have to put a time limit on it, and it should be left up to the condition because all applications are different.

There was debate amongst the commission about voting during the audio only meetings. Mr. Holsinger questioned when in-person meetings could resume. Ms. Clatterbuck noted that per the Governor order, at the next meeting we will be able to resume in-person attendance at the next meeting.

Ms. Grech questioned when the commission was going to review the draft submitted by Mr. Otto and Mr. Humphrey. Chairman Miller stated their draft had been submitted to the Berkley Group which is a product of the draft ordinance they have been reviewing. Mr. Holsinger noted their draft had been submitted to the sub-committee and staff. Chairman Miller stated they were not going back though another draft ordinance- only the one provided by the Berkley Group. If there is stuff that a member feels should be included, then they can discuss it. Mr. Comer asked if by the next meeting staff would be able to provide a red-lined document with the changes the commission has made thus far, along with other drafts that have been submitted by citizens. Ms. Clatterbuck she would work on the red-lined draft. All other comments, articles, and recommended drafts from citizens have been submitted to the commission up until this point. You should already have copies as we have received material for the

last two years. Mr. Comer agreed, noting that if anyone needed additional copies to contact Ms. Clatterbuck.

Ms. Grech reminded the commission that on February 11<sup>th</sup>, we had a tentative schedule, and one of those dates was that we would urge citizens to submit comments, and they would be permitted to present their comments to the commission. Due to Covid-19, that didn't happen. Can we schedule that for the next meeting? Chairman Miller agreed to allow comments at the next meeting for this topic even though it was a work session.

#### Open Citizen Comment Period

Beth Snider (via online public comment form) – "Since the covid-19 shutdown, the citizens have not been allowed to participate in the meeting except to listen. We were encouraged by the fact that solar had been paused during that time and we continued to listen (both PC and BOS meetings).

It is worrisome that during last week's meeting a PC member suggested that the citizen comments further be "controlled by the agenda" it shows how at least that PC member feels about the citizens' concerns on the matter of solar.

This same PC member has made it clear at previous meetings he does not care about what we (citizens) have contributed and (in my opinion), has gone to extra measures in suggesting ways to silence the citizens.

I hope that the other PC members heard and see how this type of manipulation was suggested to further silence the members of the community.

I hope that the other members of the PC share these concerns and will speak out in the future to these suggestions as you consider how would you feel if this was directed on a topic that will forever impact your own family?"

#### Chairman's Report

Chairman Miller requested that everyone do their best to wear mask at the next meeting.

#### Clerk's Report

Ms. Clatterbuck reminded the commission that there was a public hearing scheduled for the next meeting.

#### Adjourn

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

  
Bernie Miller, Chairman

  
Jamie Holsinger, Secretary

