

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. Clatterback – 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