

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**September 8, 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	Catherine Grech, District 1
Donnie Middleton, District 2	Steve Atkins, District 2
James Holsinger, Secretary, District 4	Gary Huffman, District 4
William Turner, Vice Chairman, District 5	

**Members Absent**

Jared Burner, District 3	Keith Weakley, District 3
Jonathan Comer, District 5	

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Miller called the September 8, 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. Holsinger made a motion to accept the agenda as presented. The motion was seconded by Mr. Huffman. The motion passed unanimously 7-0.

**Public Hearing**

None

**Citizen Comments on Agenda Items**

Charles Newton – SVEC informed Mr. Newton that the average daily consumption by citizens of Page County is around 30 megawatts. He asked that the commission consider, in regards to forested areas (125-75(A)) and the solar ordinance, that the language be kept in the ordinance. The other item to consider keeping, farmland of statewide importance and prime farmland (125-75(A)5), with agriculture being the leading industry we want to protect our good farm soils. These two categories should be protected.

Paul Otto – A section eliminated by the Berkley Group that he would like the commission to consider revisiting is the protection of historical and cultural resources. In the comprehensive plan, Chapter 3 Volume 1 Goal 1 states “preserve and enhance historic and cultural resources that are vital to the county.” He cited sections from the comprehensive plan that back up this argument. He stated that there are 31 structures and districts listed on the National Register of Historic Places that are located within Page County. There’s no reason why they can’t be included and protected in the solar ordinance.

Kenny Jemelity – He requested that the commission consider what is currently taking place in California to their renewable energies now. They are in the middle of a heat wave. People are without their electricity because their renewable energy sources don’t have the capacity to supply it.

Beth Snider – She stated that she was present at the meeting that the Berkley Group had last week on the zoning. Emphasis was made on protecting the rural quality and view sheds within the county. Industrial solar needs to be in line with the comprehensive plan and not against it. Progress was made on limiting the size of the projects. 70% of the commission agreed that the industrial electrical facilities shouldn't be over 200 acres within the fence. They were hoping that emphasis would be given to the number of projects allowed would be limited so as not to overburden the lines. She feels that the comments that have been submitted have not been given proper consideration after 6 months. She cited an article about the cost of reclaiming land after being used for solar panels to put it back to farmland is about \$1780 per acre.

Rod Graves – We shouldn't sacrifice the thoughtful and visionary composition of the comprehensive plan in order for a handful of farmers to take offers of their farms that injures the economic feature of the greater majority of the citizens of Page County. Industrial solar farms are wreckers of natural conservation efforts.

Clyde Humphrey – Reminded the commission that in 2019 there was an understanding that there would not be a solar ordinance and any guidelines pertaining to the planning of solar facilities would need to be addressed in the comprehensive plan. He reminded the commission of the work done by the subcommittee on solar facilities. He was in agreement with the maximum acreage of 200 acres. He made comments on the screening, the location and coverage limitations, prime farmland and residential proximity in regards to what the subcommittee had presented in 2019. The commission was prepared to take it to public hearing. At that point, the county administration announced the contract with the Berkley Group to draft an ordinance.

#### New Business

None

#### Unfinished Business

##### **A. Solar Regulations Update- Schedule**

Tracy Clatterbuck stated in regards to the language that was discussed last week, Rebecca from the Berkley Group is working on developing language to go into the ordinance. They are scheduled to come to the meeting on September 22<sup>nd</sup>. Plan is that she will tentatively have the revised draft to Tracy by September 14<sup>th</sup> or 15<sup>th</sup>. As soon as Tracy receives that she will send it out directly to the commission members. Her suggestion would be that as soon as you receive it that the commission members be looking over it. Have your questions ready for Rebecca.

She stated at the last Board of Supervisors meeting that there was a discussion on the solar regulations related to our contract with the Berkley Group. November will be a year since we received the initial draft from them. Based on wanting to stay within the contract the Board is requesting that the planning commission hold their public hearing on the solar regulations on October 13<sup>th</sup>. They are also requesting that the introduction on the ordinance be given to them at their October 20<sup>th</sup> meeting, which will be the following meeting. Rebecca will be here on September 22<sup>nd</sup>. At the public hearing, because of the contract, she will not be in person, but she will be available via phone. On October 20<sup>th</sup> she will present the regulations to the Board of Supervisors in person. She suggests that you consider setting the public hearing date through motion either at this meeting or the next on the 22<sup>nd</sup>.

Chairman Miller encouraged and urged all commission members to read the draft, make sure you understand it and bring your questions. Tracy said if while the commission members are reading the draft if there are questions to give her those and she will forward them directly to Rebecca.

Mr. Holsinger expressed concerns about the verbiage that was used in the draft ordinance in regards to reclaiming the land that states "a county approved plan" and the item addressing scenic view sheds lumped with historical/cultural resources.

Ms. Grech expressed concerns about historical/cultural resources, proximity to federal highways, and forested areas. Ms. Grech fully supports the previous draft submitted by the solar ordinance sub-committee to the planning commission that was set to be presented to the Board of Supervisors.

Mr. Turner suggested that there be a called meeting after receiving the draft from the Berkley Group but before the next scheduled meeting that the Berkley Group will be present at. Ms. Grech stated that the date of October 13<sup>th</sup> to go before the Board of Supervisors was not a recommendation by the Board, but rather a recommendation by County Administrator Amity Moler. Mr. Holsinger made a motion that the commission schedule to meet in order to meet that deadline.

A tentative meeting will be scheduled to discuss the draft presented by the Berkley Group and advertise an open citizen comment period for September 17<sup>th</sup> or September 21<sup>st</sup>.

Chairman Miller expressed concern about the transmission lines having to be expanded. He doesn't want them to have to be expanded. Tracy offered that the information required to determine that is likely beyond the reach of the Berkley Group and/or will require an amount of time that they don't have. Mr. Holsinger suggested that it is a question that we can ask the Berkley Group. Mr. Holsinger expressed concern about the distance from the transmission lines that the draft is suggesting.

#### Open Citizen Comment Period

Charles Newton – When he talked to SVEC, he asked them if they knew what the transmission company would set as their guidelines. We had heard from Urban Grid that their 100MW facility might be as much as the transmission company could carry. SVEC does not know because of the amount of detail that is required to know that. He suggested that whatever their current limit is it would add too much economic cost to upgrade that line for the benefit of a solar facility. Unless the solar facility would pay that upgrade cost.

Kenny Jemelity – He sent a FOIA request to Chairman Phoenix on August 29<sup>th</sup>. This FOIA request showed that Urban Grid had been in contact with several planning commission members since at least June and one planning commission member had an in-person meeting with them on June 30<sup>th</sup>, 2020. This meeting is referenced in an email from Robert Propes representing Urban Grid on July 1<sup>st</sup>, 2020. This is disturbing as Robert Janney, the attorney of record for the denied Cape Solar SUP application, has also been in contact with Urban Grid and select members of the planning commission working to get the protections written into our solar ordinance by paid consultants at the Berkley Group. On January 14<sup>th</sup>, 2020, Mr. Janney emailed Mr. Holsinger and Mr. Comer, but does not include Mr. Otto or Mr. Middleton, who are both members of the planning commission at that time. This was before the denial of Mr. Otto's reappointment to the planning commission. The event at the meeting in which this took place seemed contrived in his opinion. Mr. Miller was invited to be on the ordinance sub-committee. Shortly after, Mr. Otto was taken off the planning commission for what seems to be, in his opinion, somewhat vague reasons. On February 25<sup>th</sup>, 2020, Mr. Janney emailed Mr. Miller, Mr. Holsinger, and Mr. Comer with recommendations for changes in the draft ordinance, referencing both individual interests and their membership on the subcommittee to develop an ordinance. Mr. Janney's mission, as Roger Houser's attorney, is to get the Cape Solar project approved. The changes in recommendations that he suggested are clearly designed to manipulate the ordinance to allow this installation that was denied by the Board of Supervisors previously. Mr. Janney's recommendations included a maximum of 600 acres, accommodating the 550-acre Cape project. Mr. Jemelity stated is happy that the planning commission has cut that down to 200 acres. Mr. Janney also recommended a reduction of setbacks to 75 feet, increasing the allowed height to 15 feet as measured from grade, removing the cap on the maximum area of the site to be graded, along with an increase in the allowable grade from 10-15%. This suggests, in his opinion, they are planning to grade more than 50% of the entire site to create a wave affect to allow for denser panel capacity. Mr. Janney also wants to reduce

the buffer zone from 100 ft to just 30 ft. These are a few of the recommendations submitted to certain planning commission members effectively stripping out protections and limits that benefit the county as a whole. In his opinion, it is highly inappropriate for the attorney representing the SUP applicant and the solar developer to be driving the creation of our solar ordinance with collaboration with planning commission members who have expressed a desire to host industrial solar on their own properties and have referenced individual interests in solar power generation while stifling comments and recommendations from other citizens who reside in the areas that will be affected. There are also changes to decommissioning recommended by Mr. Janney to include the so-called "salvage value" and other disturbing language. These changes recommended by Mr. Janney were sent on August 21<sup>st</sup>, 2020. On June 22<sup>nd</sup> in an email to Mr. Miller, Mr. Holsinger and Mr. Comer, Mr. Janney stated that he did not think that Page County should be hiring the experts to develop standards for a solar ordinance.

Beth Snider – Last week when a member of the planning commission was explaining that the mission of the planning commission was to protect the county and the citizens, not to further the interest of developers, the Chairman was rude and said, "You are only one vote. There are other votes here and others have voted against you." Even when other members agreed with that member a few minutes later when that member spoke, the Chairman again cut that member off rudely. As a member of the public, she is appalled at the disrespect shown meeting after meeting to this one planning commission member. She has spoken about it before, has written to the Board of Supervisors about it, and she'll keep pointing it out at every meeting. It is wrong. Furthermore, when a member of the public went up to the Chairman after the meeting, instead of apologizing for his behavior his reaction was not an apology it was a further attack on that one commission member. This commissioner, the Chairman, does not speak to the men on the commission that way. Last meeting, another member spoke out about the devaluation of the farmers' properties. He stated many times he doesn't care about these large industrial solar projects and how they'll devalue the adjoining properties. He has stated he doesn't care about the waterways, the negative economic impact that will ripple through the county. But he is concerned about the devaluation of farmers' properties and she thinks that all the citizens should be considered equally. The chairman spoke at the last meeting that this would be for the common good. At multiple meetings he has talked about his intentions of hosting industrial solar, so how does that translate to the common good. If it was for the common good, it would include what is good for all of the people, not just what needs to be rewritten to allow certain pieces of property. It is apparent that he cannot make an unbiased recommendation. He's referenced his own property more than 30 times over the last six months in meetings when suggesting changes or striking protective measures from the draft ordinance.

Rod Graves – He mentioned before when he spoke about the transmission lines. This is why he spoke about having a cap on solar in Page County. We need to protect our 211 and 340 corridors. It is vital to our economic survival.

Clyde Humphrey – Mr. Holsinger was commenting about the county approved plan for decommissioning. He thinks that the intent of the ordinance is that the developer should propose a decommissioning plan. Then the county should either approve it or tell them how they need to change it. The burden is on the developer to present the decommissioning plan. He is suggesting that the planning commission have the Berkley Group separate historic and cultural resources from scenic view sheds. He agreed with Mr. Miller about not wanting to expand the transmission lines, but the only ones that can tell us that are the people who own those transmission lines. It is normal practice for the developer to discuss the capacity of the transmission lines with the owner and that is what the county should require. That should satisfy the county.

Paul Otto – He encouraged the commission not to be restrained by the requested hearing date of October 13<sup>th</sup>, unless concerns are addressed. As far as the capacity of the transmission lines are concerned, he is in agreement with Mr. Humphrey. Keep in mind that it is important to know the current capacity of the line

running through the county. He stated that the capacity can be determined. The owner of the line knows what it is. By allowing too much solar, we don't want to find that we don't have adequate residual capacity on the line to accommodate our local solar use.

Chris Anderson – Ms. Anderson works for the Alliance for the Shenandoah Valley. She recently visited her hometown of Saluta, NC. It has a lot of similarities to Luray. They have done a great job of protecting their history. People gravitate to the places where people protect their assets. People come to Page County to find something that is special and unique. She supports keeping the size small and planting native species to be compatible with the local ecology.

Chairman's Report

No Report

Clerk's Report

Leona Dean's special use permit public hearing is going before the Board of Supervisors on September 15<sup>th</sup>.

The stakeholder meetings and the public meeting for the zoning ordinance and subdivision of land ordinance was on Wednesday September 2<sup>nd</sup>. Those meetings went well. The Berkley Group has given positive feedback on the information that they received from the community. The next step is for them to start drafting the ordinance. They are proposing an aggressive schedule. We will have at least four joint work sessions with the Board, possibly starting as early as October or November. They will be doing the work sessions on the drafts in sections, rather than giving the commission an entire document. Based on their timeline, they are predicting that this will be done by this time next year. Do your best to attend those meetings if you can.

Mr. Turner agreed the meetings went well. Ms. Grech stated it was interesting to see what people had to say.

Adjourn

Mr. Miller adjourned the meeting at 8:23 p.m.

  
Bernie Miller, Chairman

  
Jamie Holsinger, Secretary

