

**MINUTES**  
**PAGE COUNTY PLANNING COMMISSION**  
**May 22, 2018**

**Members Present**

Bernie Miller, District 1	Paul Otto, District 1
Donnie Middleton, District 2	Steve Atkins, District 2
James Turner, District 3	Keith Weakley, Vice Chairman, District 3
James Holsinger, Secretary, District 4	Craig Lancto, District 5
Jonathan Comer, Chairman, District 5	

**Members Absent**

Duane Painter, District 4

**Staff Present**

Tracy Clatterbuck

**Call to Order**

Chairman Comer called the May 22, 2018, Page County Planning Commission work session to order in the Board of Supervisors Room at the Page County Government Center, 103 S Court Street, Luray, Virginia, at 7:00p.m. The call to order was followed by *The Pledge of Allegiance* and a *Moment of Silence*.

**Adoption of Agenda**

Mr. Otto made a motion to approve the agenda as presented. The motion was seconded by Mr. Holsinger. The motion passed unanimously.

**Public Hearing**

None

**Citizen Comments on Agenda Items**

None

**New Business**

**A. Dogwood Solar, LLC**

Mr. Jared Burden thanked the commission for allowing him to speak. He noted that he is an attorney with GreeneHurlocker, PLC in Harrisonburg, appearing on behalf of Dogwood Solar, LLC and Cape Solar, LLL, who recently submitted two special use permit applications for Solar Farms in Page County. Jessica Berger is also present on behalf of Urban Grid, who are the owners of Dogwood Solar, LLC and Cape Solar, LLC. Urban Grid (UG) is a solar developer that has connected online projects over 250 Megawatts (MW) peak in the US. They have over 1,700 MW in various stages of development in Virginia, elsewhere in the Mid-Atlantic, and the Southeast. Urban Grid was founded seven years ago by Richmond native, Frank Depew. UG is one of the nation's largest and most experienced solar developers.

Mr. Burden explained that large scale solar projects have a lot of moving parts. UG is committed to bringing these applications through those many steps. The process starts with identifying suitable property. A preliminary assessment is completed to confirm whether it is advisable to secure leasing the property. Once the lease has been secured, UG engineers work to develop a preliminary site plan for how the solar facility could work. UG then begins a long interconnection process by working with a company called PJM, which coordinates the transmission of electricity on the grid in this region of the US. During that process, UG does environmental, historic, and natural resource studies of the property and must abide by all local, state, and federal laws.

With the property secured, the company applies for the local government permits. The special use permit (SUP) process is a part of a larger state process. In the end, the state Department of Environmental Quality issues a permit by rule. With that permit, and after taking all steps that PJM requires, they complete the process by securing connection with the grid. Once all the permits are obtained, the company begins installing panels on the property.

The construction process will bring several hundred workers to the area for months which would be an economic boom for the county. Once installation is complete, maintaining the facility will have minimal impact. The proposed projects will have no impact on schools, roads, noise, trash, dust, or glare.

PJM coordinates the movement of electricity in Virginia and other states. The power purchased from these farms would likely be bought by one or more buyers in this territory. These buyers are looking for dependable pricing under long-term contracts, which will insulate them from fluctuating prices that you might see with fossil fuels during periods of high demand. They do appreciate the fact that the energy they are buying is from a clean and renewable source.

The Dogwood Solar site on Dam Acres Road near Stanley is a proposed 20 MW facility. Preliminary site plans have been provided to staff. UG is in the middle of a system impact study with PJM. The electricity produced at Dogwood will be delivered to the grid through distribution lines owned by Shenandoah Valley Electric Cooperative (SVEC). They anticipate beginning the system impact study with SVEC next month. With all of the approvals and the interconnection obtained, they would expect this solar farm will be online in 2020. The solar panels will be mounted on a racking system or tracking system which allows the panels to track the sun as it moves across the sky.

The Cape Solar site is just north of Luray. The 100 MW facility will connect to the grid through a transmission line that crosses the property. They expect this solar farm will be online in 2021. One of the entrance access roads will be across from Sandy Hook Road. The site plans submitted with the applications are still preliminary as they are in the process of developing the solar farms.

UG is excited to be the first applicant/company to come before Page County requesting these permits. Large scale solar projects offer many benefits to Page County. The company believes that Page County will enjoy significant financial benefits. During the construction phases of the projects hundreds of workers coming to Page County for several months will spend money on lodging, food, services, etc. The projects will bring increased tax benefits to the county, about which Mr. Burden deferred to county staff for details. Among these benefits will be rollback taxes, real estate taxes, and equipment tax. They anticipate the clean energy projects will bring positive publicity as did other projects in other localities. These benefits come without the problems that you see with other forms of development.

This is not suburban sprawl as laid out in the Page County Comprehensive Plan. There is no impact on roads, schools, EMS, or other infrastructure, because these farms won't be putting people on these properties. At the end of the useful life of these solar farms the equipment is removed, the property will be returned to open agricultural land as it was prior to development. When in operation, the projects will not need water and septic. It presents no security risk and produces no odor, vibrations, daily traffic, pollution, no trash, or water runoff. The project will have limited to no visual impact because panel coating reduces glare by absorbing light rather than reflecting it. The sounds produced by panel racks as they tilt are minimal. The inverters on the substation will not be audible outside property lines.

Commissioner Miller asked how tall the panels were. Mr. Burden explained that they are mounted one to two feet off the ground, and at full tilt they range from 8-15 feet. Commissioner Lancto asked how the size compares with normal installations. Mr. Burden stated they anticipate the panels are fairly standard size for

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utility scale solar which is about 3.5 feet by 6.5 feet. Commissioner Lancto clarified that he was inquiring about the acreage. Mr. Burden said that the projects look large, but they are typical in size for utility scale solar designed to deliver this much electricity. For Example, the Cape Project is expected to deliver power sufficient to supply about 25,000 homes.

Commissioner Weakley noted that this county is built around tourism, and one of the questions would be how this will affect visitors on the Skyline Drive, for example, who don't come to see solar panels. Mr. Burden pointed out that the panels do not reflect light because they absorb the light, which make them less conspicuous. When viewed from a distance they become a feature of the land just like the poultry houses that can be seen from Skyline Drive or the local roads.

Commissioner Lancto asked about one of the photos Mr. Burden showed on the PowerPoint as the panels did not appear to be black. Ms. Berger responded that the photo shown was of a facility in the UK. They use this photo as a typical installation example; however, they use different panels on different properties. She explained that technology is developing and regularly changes. As they are so early in the process that they do not know what type of panels will be used on these proposed farms.

Commissioner Otto asked how often they anticipate switching out panels as technology does develop. Ms. Berger stated once the panels are installed, they do not anticipate changing them out unless something breaks on them. They probably won't have to replace the panels for at least 30 years. If something does go wrong, the facilities are monitored remotely so it would trigger replacement so that the amount of energy being produced doesn't decrease.

Commissioner Otto asked what the planned life of the project was, and Ms. Berger responded that this is pretty new technology, so they do not know the full life but it is guaranteed to be between 30-40 years. Commissioner Otto asked if that could be extended and Ms. Berger stated she did not see why not.

Commissioner Lancto asked what type of complaints other projects have caused among citizens in the communities. Ms. Berger said it varies on the area, but there is little impact as far as noise, etc. There have been concerns on impact to neighbors. UG abides by all local, state, and federal guidelines. Commissioner Miller stated that his understanding is that the transmission lines are owned by First Power. As you put this on the grid, will it require that transmission lines be expanded? There's already a 150 feet gap. Commissioner Miller explained that he has one on his property and you can't do much under that. He'd hate to see it get expanded even more as that is a major concern for him. Ms. Berger replied not that she knew of as of now. That is what the interconnection process is for. With that, they go through PJM who coordinates the electricity with First Energy, Dominion Power, Dominion Energy, etc. During the process, they go through several studies. It goes from a feasibility study to system impact, facility study, and so on. The first step is the feasibility study which is where they gauge the interconnection to let them know what upgrades would need to be done. They cannot force the utility company to expand anything. That is completely up to them; however, if there is an upgrade that is needed UG is financially responsible for the upgrades. For these projects, to date, that has not come up. She does not anticipate the need for an expansion.

Commissioner Miller asked if they planned to rent the whole property or just the areas where the panels are located. Ms. Berger replied they had the option to lease the whole property.

Commissioner Miller questioned whether they could use land that was rolling or sloping. Ms. Berger explained that they could use rolling or sloped land. These two properties happen to have the best topography, even with some of the slopes. They don't mount panels on slopes that are too steep.

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Commissioner Miller stated he understood there to be a lot of cement in the ground. He questioned if the landowner would be responsible for that once the project lease ends. Ms. Berger stated the lease agreement stipulates that the company will remove everything at the end of the life of the project when the farm is no longer operational. The company removes everything and returns the land to its former condition.

Commissioner Atkins asked who maintained the grass under the panels. Ms. Berger responded that they perform quarterly maintenance on the property. After construction, they plant grass.

Commissioner Miller asked whether there would be a buffer where the sites are along major roads. Ms. Berger stated that there are no current buffer requirements. With the Cape Solar site they've allowed 75 feet from the center of the road to where the panels are located. Ms. Clatterbuck noted that there was nothing in the code to address it; however, that could be a condition of the special use permit. Ms. Berger stated they would not be totally against it as there are other localities that have imposed similar conditions.

Ms. Clatterbuck asked about the fencing. Ms. Berger detailed that it was an approximate seven foot chain link fence with razor wire on top around the whole project.

Commissioner Weakley asked what the offset was from the fence to the first row of panels. Ms. Berger replied that she would have to check. The preliminary site plan displays the maximum number of panels. Some panels may be removed due to topography. No more acreage will be acquired for this project.

Commissioner Otto asked what the use of the land will be in areas where there are no solar panels. Ms. Berger said that the landowners could continue farming those areas where there are no panels.

Commissioner Otto asked if there had been any problems with other projects specifically related to wildlife. Ms. Berger stated that they encourage wildlife. There is minimal impact to wildlife that is there. They do very intensive studies on bats and endangered species. These lots do not have any of these issues.

Commissioner Otto asked if any of the land proposed was in any conservation easements, and Ms. Berger responded not that she was aware.

Commissioner Holsinger asked where was the closest solar facility was to Page County. Ms. Berger responded that it is in the state of Maryland. He further asked the closest one to Page County that UG is not affiliated with. Mr. Burden noted Mount Jackson was going through the process, Essex County has one that is operating, and Clarke or Frederick County has one that is operating.

Becky Smith, Page County Commissioner of Revenue, informed the commission that she and her staff have been attending seminars related to solar farms in the last year. Essex County has one in operation and she has been communicating with the Commissioner of Revenue there. The main sources of revenue will be a one-time generation of rollback taxes. Whatever portions of land that the solar panels will be located on is what will be removed from the land use program. The remaining acreage can stay in land use as long as it continues to be farmed. She estimated rollback taxes at \$153,000 for the two projects. Additional revenue for the change in value of the land compared to value of normal rate, is estimated at \$52,000 per year total for both projects. The other revenue that can be generated is the construction companies that come in would need a business license. Any outside contractor exceeding \$25,000 per year would be required to have a county business license.

The equipment tax is figured by the SCC; however, staff will note that 80% is exempt. The SCC said that they have no idea what that would generate until the equipment is placed onsite. It is based on the total cost of the equipment (panels).

Commissioner Turner asked if they had reached out to any of the Board of Directors for Shenandoah Valley Electric yet. Ms. Berger stated they had not. In the early stages they typically only deal with the engineers. They have done a feasibility study for them. They anticipate entering into a system study in June. He further asked if the feasibility study was complete and she confirmed. He asked if the results would be open to the commission. Ms. Berger she didn't think so but she would check.

Chairman Comer asked if there was any other agency they were waiting for information from, and Ms. Clatterbuck replied no. He encourage the commission to review the material and said tht this matter would be further discussed at the next meeting.

**B. Cape Solar, LLC**

See above

**C. Guest Home Discussion**

Ms. Clatterbuck explained that the current code only allows one dwelling per tract of land, although county code allows a guest home as a second dwelling with the provision guest home cannot be rented or sold separate from the permitted principal residential structure.. The zoning ordinance doesn't define permitted *principal residential structure*. Recently, staff had an inquiry from a citizen who has an existing cabin rental on his property. The citizen wants to build a guest home on the same property. Staff originally told him no; however, he later claimed he would not rent it separate from the main house, so both houses would be rented to the same party under one contract. Staff really had no argument to that as long as he rents them to the same party. The problem is there is no way to ensure follow up or confirmation that he would be in fact renting to the same party which results in an enforcement issue.

Commissioner Turner asked what the logic was behind not allowing an owner to rent their guest home. Ms. Clatterbuck noted she was not sure as there is limited detail in the minutes to reflect why guest home was defined the way it is. From staff point of view, it is unfair that the cabin rental owner can do this but staff is telling the elderly lady at the counter that she cannot rent out her guest home for supplemental income because she resides in her main house. Commissioner Holsinger explained that originated from the 1.75 acre change in 2005. Staff is suggesting that the commission consider making an amendment to the definition to allow guest homes to be rented separate from the main residence. Chairman Comer noted most localities say the guest home cannot be over a certain square footage in comparison to the main house. From a mortgage lending standpoint, lending is difficult when there are multiple homes on the property. Commissioner Holsinger asked what the Town of Luray allowed related to this topic. He suggested staff research to see what other localities are doing and bring that back to the commission for discussion.

Staff explained that when someone applies for a guest home, they are required to sign a guest home affidavit. A complaint that a guest home is being rented, is extremely difficult to prove. First, you have to find the evidence, which is very difficult if the rental is not advertised. An unenforceable statue has no value. It's easy to write laws but enforcing them can prove problematic.

**D. Approval of Minutes- April 24, 2018**

Commissioner Holsinger made a motion to approve the minutes as presented. The motion was seconded by Commissioner Lancto. The motion passed unanimously.

**Unfinished Business**

**A. Proposed Amendment to § 125-14.1**

Ms. Clatterbuck requested that the commission move forward with taking to public hearing the proposed amendment that would allow above ground swimming pools to project no more than five feet into any yard setback requirement.

Commissioner Otto stated when this issue was last discussed, staff was requested to research the history of the current amendment that allows decks and porches to extend five feet into any yard setback. Ms. Clatterbuck noted that minutes from those meetings were provided in the packets for review.

Chairman Comer stated the commission should notify the BOS of their position. The BOS can't take any action until the commission does. If the commission still feels disinclined to allow above ground pools to encroach into the setback, then we need to tell them that. If they want to proceed beyond the commission they can do so.

Ms. Clatterbuck stated that her opinion is that this amendment would be similar to a SUP or rezoning request. It is the PC's job to take the proposed amendments to public hearing. The commission can recommend denial to the BOS but it needs to go through the process.

Commissioner Weakley stated he has been very outspoken on the pool issue in previous meetings. He stated he could support the five foot allowance for pools since decks and porches are currently allowed to encroach five feet. Chairman Comer asked if the commission wanted to take the amendment to public hearing. Commissioner Weakley said that he felt they should take it to public hearing because he would expect citizens to show up to voice their opinions on this matter. He made a motion to take the matter to public hearing. The motion, seconded by Mr. Atkins, passed unanimously.

**B. Comp Plan Committee Report**

Commissioner Otto noted they are making progress. The next meeting is scheduled for the first week in June.

**C. Subdivision Committee Report**

Commissioner Weakley stated the subcommittee had not been able to meet. Commissioner Turner had provided some comments that the subcommittee would be reviewing soon.

**D. Sign Ordinance Committee Report**

Commissioner Lancto noted the subcommittee has completed the proposed draft. It is now ready for the full commission's review. Chairman Comer noted the draft could be discussed at the next meeting.

**Open Citizen Comment Period**

None

**Chairman's Report**

None

**Clerk's Report**

Ms. Clatterbuck noted the certified PC course was coming up in June should anyone be interested in attending. There was also an invitation for a workshop that is being held in Shenandoah County on May 31, 2018 from 4 p.m. to 8 p.m. should any of the commissioners wish to attend.

**Adjourn**

Chairman Comer adjourned the meeting at 8:20 p.m.

  
Jonathan Comer, Chairman

  
Jamie Holsinger, Secretary