

MINUTES
PAGE COUNTY PLANNING COMMISSION
July 10, 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	Duane Painter, District 4
Craig Lancto, District 5	Jonathan Comer, Chairman, District 5

Members Absent

None

Staff Present

Tracy Clatterbuck
Michael Helm, County Attorney

Call to Order

Chairman Comer called the July 10, 2018, Page County Planning Commission regular meeting to order in the Board of Supervisors Room 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 amend the agenda under unfinished business to reverse the order between the Cape Solar, LLC and Dogwood Solar, LLC special use permits and proposed sign ordinance amendment draft review. The motion was seconded by Mr. Otto. The motion passed unanimously.

Public Hearing

None

Citizen Comments on Agenda Items

Chairman Comer began by pointing out that the Solar Facilities had applied for special use permits which is currently under review of the Planning Commission (PC). The public hearing has not been scheduled yet. If and when that is scheduled, all adjoining property owners will be notified pursuant to state code.

Charles Newton- Mr. Newton began by pointing out that there were some benefits to solar panels. When construction is over, there will be no noise or traffic from the site. There will be no additional children attending our schools and no additional emergency personnel needed. The burden on the tax payer is fairly low. There are some cons to consider that could be addressed under the special use permit (SUP) conditions. The water will sheet off the panels very quickly which could lead to erosion control problems. Screening is an essential part of this request so that it is not a burden to neighbors that will be directly affected. Mr. Newton concluded by saying that we need to do a better job with our land use planning. It is a shame to take good agriculture land out of farming development. It would be much more efficient to put panels on buildings that already exist.

Jim Schaberl- Mr. Schaberl began by stating he was the division chief for natural and cultural resources with the Shenandoah National Park (SNP). Jennifer Flynn was at the last meeting and shared some maps that were prepared by the park. Those maps were view shed analysis from key points within SNP, Skyline Drive, and the Appalachian Trail. The red colors are the places where the projects are visible from those locations indicated. It was factually incorrect in the meeting minutes which stated these maps were aerial images;

however, they are view shed analysis. Mr. Schaberl stated that the SNP would be glad to help by offering park support assistance (such as providing maps) should the commission desire.

Bob Judd- Mr. Judd began by stating he was a part-time resident of Luray and had worked as a consultant in the field of renewable energy, mostly out of state, for about 30 years. This looks like a very good project, he said, and he would recommend approval with conditions. The Cape Solar application states that it will provide power for 25,000 homes, and the Dogwood Solar application states that it will provide power for 5,000 homes. He believes that is a peak output number. It tends to misguide the casual observer. In your deliberations, you would want to know what the average annual output is because that is the real number and the number their operating budget will be based on. For example, if this were windmills. We know from experience that large scale windmills are about 30% efficient because they don't operate when the wind is not blowing just as these will not operate without the sun. As far as the decommissioning, while it is relatively simple to dismantle these panels, you want to make sure the money is going to be there when that happens. These projects are operating under LLC. There have been situations in wind energy cases, where the developer bankrupts the LLC and walks away. Mr. Judd said that he has reviewed the draft decommissioning plan but it doesn't say anything about performance bonds. He recommended that legal check into that to ensure the county is protected. The other thing he didn't see in the proposal, maybe because this is a SUP and not an economic development analysis, is that you would never be able to build a large scale wind energy project like this without having in writing an economic community benefits program. In many states it is a requirement that the locality gets a certain amount of money beginning the day the project goes into operation, based on the capacity of the project. It is a host contribution to the jurisdiction of so many dollars per megawatt capacity per year. In other states, the developer commits to provide the jurisdiction \$5,000 per megawatt per year. In Maine, they use it to reduce property taxes. He concluded by saying that this company came with a lot of good will and this may be something the county would want to discuss with them.

Thomas Mitchell- Mr. Mitchell explained that he lives on Old Farms Road which is near the proposed Cape Solar project. As a community, he said, we learned about these applications just last week. They are proposing to put these solar panels in our backyards which is affecting us. He asked how much noise these things make, whether his house is at any risk, what things could hurt them? Anyone that has a house near this would want to know if their property values are going to go down. He requested that the PC take their subdivision into consideration. The two lots that are owned by one of the landowners involved with this project, are to be used for residential dwellings only. If they are planning to make an entrance through our subdivision that will not work because it is a private road that belongs to the citizens in the subdivision.

Kris Garrett- Mrs. Garrett began by saying that she was a resident of Page County. She concurred with the first speaker on many things he discussed. She is in the tourism industry as she brought her massage therapy business here, and primarily works on tourists. One of the things that brought her to Page County was the beauty, greenery, and open space. She left Pennsylvania to get away from what she said she is starting to see here, which, she said, scares her a little bit. One of the things that is so precious is the open space that is here. A lot of people come here for the beauty. She is concerned as a tourist town, that if vast areas in our county are developed for solar farms, the tourist will stop coming. The county will suffer for it. According to applicants, this project will sustain 25,000 households but not Page County households. There is nothing in it for Page County, she said. No jobs, tax benefits, etc.! If Northern Virginia needs energy to sustain their towns, put these solar panels on their rooftops in their towns. Don't put them in our town and expect us to provide them with the energy they need.

Jeff Cummings- Mr. Cummings stated he also lived in the Old Farms Subdivision and basically concurred with what everyone else had stated. His biggest concern is that we have no ordinances in place. How can you even look at this application, he asked. He said that there is nothing in place that requires setbacks,

buffering, etc. This project is right in our backyards. No one will want to look at that, and property values will drop. The noise of installing these panels over the next 12-18 months, from sunrise to sunset, is an unacceptable. The panels are too close to us. You need to put the ordinances in place before this project is considered any further. What is going to happen in 20-30 years, at the end of this project? This county has no renewable solar energy policy. Solar is great but to put it in based on what the applicant wants will have a huge negative impact to our county. People come to [Skyline] Drive to see the views. If they see solar panels they will skip it and go to the next view. Granting this will be a huge mistake that will cost the county in the long run.

Natalie Zuckerman- Ms. Zuckerman noted she was against the project. Page County has two industries, farming and tourism. Tourism is a major industry for us. To do something that is going to impair that industry is to cut income from dozens of people. She said that she has been told that the farmers think they should be able to do anything they want with their land. She is glad they are so special, she said. She cannot do anything with her land just like everyone else in this room. Most farmers have made a decent amount off their land before they are sell it. To sell it at the expense of other people that are going to suffer is not right, and she warned that tourism and other farmers will suffer. She urged the PC to think about what it may cost for the landfill to clean up or contain when it falls apart. That we need to think about the county as a whole.

Chairman Comer pointed out that there would be no formal action on these applications tonight, but the citizens were welcome to stay if they chose to.

New Business

A. **Adoption of Minutes- June 26, 2018**

Mr. Holsinger made a motion to approve the June 26, 2018, minutes as presented. The motion was seconded by Mr. Lancto. The motion passed unanimously.

Unfinished Business

A. **Proposed Sign Ordinance Amendment Draft Review**

Mr. Lancto noted the draft was provided to the commissioners for review and he was happy to answer any questions. Mr. Holsinger stated it mentioned billboards under off premise signs and he wondered if that was the only location in the draft, and Ms. Clatterbuck confirmed. Mr. Lancto explained that the committee decided to give the definition whether or not there was remaining content in sign ordinance about it. Ms. Clatterbuck pointed out that billboards were regulated by state code. Mr. Holsinger asked if everyone was comfortable after reading this in understanding when you need a permit for a sign. He felt citizens may read this and be confused as to when they need a permit. Ms. Clatterbuck stated she felt page four under subsection D resolved that confusion. Mr. Holsinger stated it was far better than what the previous committee had come up with when this section was last amended.

Mr. Otto stated on page one, the definition of sign seems to lack a subject. He recommended striking the word displays and insert "is a display".

Mr. Otto questioned on page three if the definition of trespassing sign was a violation of the first amendment. He recommended that be double checked.

Mr. Otto pointed out on page six, item 10 it stated "but not an electric sign," and questioned what that meant. Ms. Clatterbuck explained that they were referring to the mechanical signs that rotate and not the electronic message signs where only the message changes. Mr. Otto suggested that may need to be clarified a bit.

Mr. Otto questioned on page seven, item 20, if that was per business or per property? Mr. Lancto concurred it should be changed to "per business".

Mr. Otto pointed out on page eight, where it talked about signs on dumpsters. You may have a case at one of the local transfer stations where there is a sign on the dumpster, and you wouldn't want someone out of sour grapes suing the county because they are in violation of the ordinance. Mr. Holsinger stated at the last review of this ordinance, the Board of Supervisors (BOS) specifically wanted that in the code. Mr. Weakley stated since it used the word "advertising" in the definition he didn't feel like it was an issue.

Lastly, Mr. Otto stated there was a question about nonconforming section. He recommended leaving it in the sign ordinance section.

Mr. Holsinger recommended the draft be sent to legal for review. Chairman Comer asked if everyone was okay with advertising for public hearing once legal reviews. Ms. Clatterbuck suggested we wait to see what legal's comments are first.

B. Cape Solar, LLC & Dogwood Solar, LLC Special Use Permits

Ms. Clatterbuck noted that she had followed up with Ms. Berger about items from the last meeting that required additional information from the applicant, and her email response was included in the packets for review. She further noted that she would prefer if Ms. Berger would explain those responses so that citizens that were at the last meeting are able to hear the replies as well. First, she said, as requested by the PC, Mrs. Becky Smith, Commissioner of Revenue, is present to discuss the tax details related to these projects.

Mrs. Smith began by stating that when she spoke previously she had given them what the rollback taxes would be on the two farms, along with the addition in value going from farm to commercial. The equipment on the Dogwood farm will be totally exempt with no revenue generated. The equipment on the Cape farm will be determined by the State Corporation Commission (SCC). 80% of that value will be exempt. She has also sought to find out if they can get any sales tax from the electricity sold on the grid. She has not received an answer on that yet.

Mr. Otto asked what, if any, of those potential tax revenues is exempt if the projects become owned by a public utility. Mrs. Smith said it would automatically be assessed by the SCC because even though the electricity hasn't been sold yet it is still considered a public utility. Once the project is decommissioned, it can go back to the lower use if it is farmed again. Mr. Lancto asked her to repeat the numbers presented at the previous meeting. Mrs. Smith replied that the one time rollback tax would be approximately \$153,000. For the land being taxed commercial, it is approximately \$53,000. There was a citizen question asking how that compared to the income generated from tourism. Mrs. Smith stated she would have to go back to her office to pull that information.

Attorney Jared Burden stated he was representing Urban Grid. There are three specific topics he would like to review: the quantifiable benefits these projects would bring Page County, two specific conditions that need to be focused on tonight, and the "substantially in accord" language that would need to be sent to the BOS.

There are tax revenue benefits coming out of this project. The rollback tax alone is greater than the combined total of 30 years at the present level of taxation. It is a one-time thing, but it is fairly substantial. The SCC governs the equipment taxation of these projects. Over the first five years alone, they would expect machine and tool tax to be over \$500,000. Another financial benefit, is the hundreds of people that will be here for approximately one year during the construction phase. If 200 workers were here every work day spending \$50 each day in lodging, meals, etc., that would be 2.7 million dollars for the county. Over the life of these projects, the owner will be spending hundreds of thousands of dollars in maintenance.

The second thing is related to two specific conditions. The county interprets its code to require a finite number of years on all SUPs, but language in the last subsection, states that the BOS has discretion on how it sets the SUP, whether tying it to a finite number of years or tying it to a condition such as until the length of time the project is operational. The draft conditions received said 40 years. In order for Urban Grid to get on the same page, he said, there would need to be a shift in how you look at the duration of the permit. Especially since this is a huge financial investment for the company. It would seem that other solar developers will be watching to see what happens here. At the last meeting, Chairman Comer said, "Give me a number," and we said 99 years and meant it. The county has given a 99 year SUP before. There is a lot that is unique about a solar farm, including a decommissioning plan. The county has not seen a project of this caliber that includes a decommissioning plan. When the farms stop operating, the SUP will end. A 99-year term will allow Urban Grid to meet the standards for operation and in the marketplace.

Mr. Burden explained that Urban Grid will agree to put a vegetative buffer in front of the security fence along 340 between Jed Lane and tax parcel 32-4-2, which is adjacent to the trailer park. As they enter the design phase, after obtaining the state permit by rule approval, they will be able to design the landscape in detail by providing a landscaping plan at that time. Until then, they can agree to a condition that will screen the security fence and the parcels behind them from view along that road. By the way, the fence along 340 will be at least 50 feet off the right of way. According to the VDOT 2017 traffic data, 340 has a daily average traffic count at Sandy Hook Road of 5,500 vehicles. Looking at the Dogwood property, the Dam Acres average daily traffic count is 110 vehicles. The frontage of Dam Acres Road is approximately a half a mile long. They will not agree to screen along the frontage of Dam Acres Road because it is completely different than the Cape Solar project.

Mr. Burden stated that the "substantially in accord" determination, is a decision you make that the applications are substantially in accord with the Page County Comp Plan. This is not a determination that you make with every SUP. The requirement comes up because the solar farms are considered public utilities within the meaning of that state code section. There is a public notice and comment period for that. The narratives in the application detail how the applicants feel the Comp Plan supports these applications.

Mr. Turner stated that Mrs. Smith had stated the SCC determines the amount of revenue for the equipment but Mr. Burden stated that it could generate \$500,000 plus. Mr. Turner said he was confused as to where those figures were coming from. Mr. Burden stated that because the Dogwood project is 20 megawatts, it is exempt under the state pollution law. The figure provided was from the Cape project based on value of the equipment. Ms. Berger said that the 80% exemption on what they anticipate the equipment to be is approximately 15 million dollars. That is what the county would be able to tax with the design as it is now. That is subject to the SCC depreciation rate. The substation on Cape is 7.2 million dollars and 100% taxable income to the county. The Cape Project, in year one, just with the equipment will generate at least \$150,000 which doesn't include the real estate tax. Mr. Otto asked if those figures decline over the years, and Ms. Berger replied that the SCC has a depreciation schedule and over time the figures are reduced. Mr. Miller asked when it would fully depreciate. Ms. Berger stated that remains to be seen as they do it over a period of 35 years at this time but that is subject to change. To say these projects would bring no economic benefit to this county is not true at all. They have studies that can back this up, they've done appraisals in other places to show that property values do not decrease.

Mr. Lancto noted that there was a recent newspaper article that stated there would be over 900 acres with thousands and thousands of panels installed; however, he questioned if they would actually only be using half of that acreage for panels. Ms. Berger replied that they are requesting that the total acreage requested in the Cape Solar SUP (559 acres) be permitted for installation of solar panels, and 340 acres for Dogwood Solar. They may not put panels on the entire acreage but they need to have flexibility in their design and that is why that are requesting that acreage.

Mr. Painter said that he had concerns about the requested 99 years for the SUP. He questioned the value of the projects. Ms. Berger replied that it was over one hundred million dollars. Mr. Painter asked how quickly the company would make back that investment over the years. Ms. Berger stated she was not sure but would forward that question on to her boss.

Ms. Berger presented photos from another jurisdiction to show what the buffering looks like for other projects. The commission requested aerial photos of existing solar facilities and photos to show what these sites will look like with panels installed. Ms. Berger stated she would work on getting that for the commission.

Ms. Clatterbuck asked how the commission wanted to proceed with the applications. She reminded the commission that they had 180 days to make a recommendation to the BOS. That date began May 10th, 2018. After discussion among the commission, Mr. Turner suggested that they review the Comp Plan at the next meeting. Mr. Turner stated he felt that Miller, Earle, and Shanks, as legal representation for Page County, should provide an opinion on whether or not these applications comply with the Comp Plan. Mr. Helm explained that the determination of compliance with the Comp Plan is something that is done at the public hearing. They can review the materials with the commission. Mr. Holsinger made a motion to set the public hearing for September 11, 2018. The motion was seconded by Mr. Turner. The motion passed by a roll call vote of 9-1.

C. Comp Plan Committee Report

Mr. Otto stated that the committee continues to work on the Comp Plan.

D. Subdivision Committee Report

Mr. Weakley stated he was working on reviewing the document Mr. Turner had prepared.

Open Citizen Comment Period

Joe Winslow- Mr. Winslow began by explaining he was a two year resident of Luray. They visited the county several years ago and decided to retire here. He owns a small business that renders physical environments. They tell other companies what things will look like when they envision them. As he sat through the last meeting and heard the plans, he wondered what it's going to look like. So he prepared a rendering for this project based on preliminary site plans provided by the applicant. He proceeded to show photos over layed with what the Cape Solar project would look like from the Drive, air, etc. The applicants' plans are impressive, he said, but they don't show you what they will actually look like. He and his wife talked about it and said are people really going to not come here anymore if the solar farm is constructed. They feel that they may come once but won't come again. They don't come here to visit Northern Virginia. They come here to get away from Northern Virginia. They don't come here for Gainesville. Page County and the Valley are going to be like Northern Virginia where they used to have the countryside. People come here to experience the countryside. For us to trade that for some short term gain is stepping over nickels to pick up pennies. There are ten scenic drives in the United States. Skyline Drive is number five on that list. Mr. Winslow presented a slide show of photos to show a number of the vistas. Making the point that there are no solar developments visible from any of these major vistas. Does Page County want to drop off this list if these applications are approved?

Dr. Gordon Stevenson- Mr. Stevenson noted he and his wife moved here 29 years ago and built a house on Pass Run Drive. They have an on-site well that is approximately 100 feet from the Hawksbill. Their water is okay because they've had it checked, but he said that accidents such as plane crashes can happen. If one would happen on top of these solar farms, you could not call the Luray Fire Department because Hazmat would have to handle it, he said. Also, this spring and summer we've had a lot of rain. Where they are

proposing to put this has been a farm. If those chemicals used on the farm wash down to Pass Run we will have a problem. If their well gets polluted what will their house be worth? You won't be able to fix it. He concluded that this project sounded like another presentation from a few years ago.

Jim Schaberl- Mr. Schaberl again offered park support for any decision making that could assist the county. They have a lot of resources to offer if there are any questions. View sheds are both within the park legislation and the parks mission, and in the Page County Comp Plan as well, so they would like to work with the county on that.

Paul Quigg- Mr. Quigg explained that he was a retired architect and land planner. He has worked throughout the Mid-Atlantic region, and has also worked on the museum at the Luray Caverns. He stated his belief that this proposed project is a total and complete inappropriate use of land. It is right next to the town. Old Farms is a part of Luray and Hope Mills is a part of the town as well. Mr. Quigg stated he lived on the golf course and considers himself a part of the town. This is just not the right place for this type of facility to go. Why is this getting such serious consideration? I can see a few dollar signs floating in the air but there is nothing else this could do to improve this county. There are no plans on what exactly is going to be done here. He has done these types of plans before and would never go to a board without knowing exactly what he was going to do. When he first got involved with this project, it took him a while to grasp the immensity of this project. The BOS reduced the electrical permit fees 99%. They didn't realize what is going into this project. What is going to happen in 50 years? How much will it cost in 50 years to decommission this project? If permitted, the future of farming and tourism will go out the window.

Rod Graves- Mr. Graves stated he was a resident of the county for 54 years. He said that Page County is the most beautiful place in the world. He thanked the commission for what they do for this county. From a landowner perspective, and a person that has lived and worked here his whole life, he cannot support these applications. He is very much for private enterprise, private landownership, doing what you want with your property, etc., but when it affects others you have to evaluate it a bit more. The visual impact on this county is huge. It would be an eyesore. It would take years for any growth to cover this up. This is a huge zoning problem. He supports solar energy but it has its place and purpose, and this purpose will not help us out in Page County specifically related to the energy produced. He wondered what would take that energy to Northern Virginia. Is it more guy-line wires which are additional eyesores? As we step forward in this county, the PC and BOS need to consider the following: We live in the most beautiful county; we all love living here and enjoying what we have. If you don't protect the resource, we won't have it.

Kris Garrett- Ms. Garrett said that what this project could bring into the county is peanuts compared to what the tourism industry brings to Page County. Take a look at the impact solar panels could have on tourism and what we could lose. She has heard the applicants say two times or four times of the value. Then she hears it could be 100 workers or 200 workers. They could be here for 270 days. What is the number, guys? She asked. We don't want to see back-of-the-envelope figures. We want to see hard core numbers, exact figures. 270 days is great with people coming in, but then what? They will go away and so will the tourist. Don't make a knee jerk decision on \$153,000.

Becky Smith- Mrs. Smith, Page County Commissioner of Revenue, stated she wanted to answer a question Mr. Turner had asked earlier, which was what the rollback figures were based on. She explained that Dogwood is 115 acres and Cape Solar is 457 acres, which was the acreage provided by Urban Grid's legal team. As far as the question on why her figures were not the same as what Urban Grid was giving, she responded by saying that Urban Grid is a business, and she is the Commissioner of Revenue, and she is elected by the people, and she has to base her figures on what is accurate. She can't give inaccurate figures to the county because that is not how the budget is based. That is why she is only going to provide figures that are accurate to Page County and not Henrico County.

Ming Yee- Mr. Yee stated he lived in Luray. He thanked all the speakers for speaking tonight as he was in agreement with most. When he was growing up as a teenager in DC, he had never heard of Luray until he came to visit a friend that worked at Brown's Restaurant. This is a beautiful county, he said. When his children were small they moved here because of the small town feel. He stated we have to keep this place just like it has been forever. We don't need this stuff. They are going to continue to buy more land for solar panels. They can have that in the big city. We don't need it here. They mess with fire, we have to put it out.

Chairman's Report

None

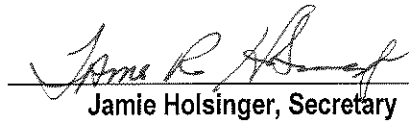
Clerk's Report

None

Adjourn

Chairman Comer adjourned the meeting at 9:29 p.m.


Jonathan Comer, Chairman


Jamie Holsinger, Secretary