

Minutes
Board of Supervisors
Work Session
May 4, 2021

Members Present: Morgan Phenix, Chairman At-Large
D. Keith Guzy, District 1
Allen Louderback, District 2
Mark Stroupe, District 3
Larry Foltz, District 4
Jeff Vaughan, District 5

Staff Present: Amity Moler, County Administrator
Regina Miller, Assistant County Administrator
Becky Smith, Commissioner of the Revenue
Michael Helm, County Attorney
Janeena Zalipski, Office Aide

Call to Order:

Chairman Morgan Phenix called to order the work session of the Page County Board of Supervisors on May 4, 2021, at 7:00 p.m., in the Board of Supervisors Room located in the Page County Government Center, 103 South Court Street, Luray, VA 22835. Pursuant to the Governor's latest Executive Order, in-person attendance was limited to 10 people. The meeting was live-streamed via YouTube. The Call to Order was followed by the Invocation given by Duane Painter and the *Pledge of Allegiance*.

Spotted Lanternfly Program:

Kyle Rhodes, Virginia Department of Agriculture and Consumer Services (VDACS), said that the Spotted Lanternfly (SLF) *Lycorma delicatula* is an invasive insect first introduced into Berks County, PA in 2014. It was discovered in Winchester, VA in 2018 and in 2021 populations have been found in Frederick, Warren, Clarke, Page, Shenandoah and Augusta Counties. They are a threat to agriculture, forest and a nuisance pest for homeowners. They lay eggs in October – June, hatch May – June, become adults in July-December and start laying eggs in September – December. Once they are adults they hop, jump, and glide sometimes 100's of yards. They can't fly until they become adults so the natural spread is quite slow. They spread mostly by human assisted movement by trucks, trains, daily commuters. The VDACS has an ongoing cooperative effort with a variety of partners, agencies and concerned citizens for treatment, trapping, education, outreach, permitting, quarantine enforcement and training. He noted that they have over 1,200 trapping locations across the Commonwealth. The City of Winchester and Counties of Clarke, Frederick and Warren are currently in quarantine. Businesses moving products outside of the quarantine are required to get a SLF permit. The Virginia Department of Agriculture and Consumer Services has approximately 115 permit holders registered

through the VT/VCE training. Mr. Rhodes listed the partners helping and said if you see a Spotted Lanternfly you need to kill it and then report it.

Set the PPTRA Rate for 2021:

Becky Smith, Commissioner of the Revenue, said the reimbursement amount for PPTR (Personal Property Tax Relief) that we receive from the Commonwealth of Virginia annually is \$1,640,790.80. This amount was set forth by the Commonwealth and frozen in Tax Year 2007. This reimbursement amount is given to taxpayers whose vehicles qualify as personal use. Each year, the percentage granted to the taxpayer changes, due to number of vehicles qualifying, values and tax rate. The amount for Tax Year 2021 will be 25%

Motion: Supervisor Guzy moved to adopt the Personal Property Tax Relief rate set at 25% for tax year 2021. Supervisor Vaughan seconded and the motion passed by a vote of 6-0. Aye: Phenix, Guzy, Louderback, Stroupe, Foltz, Vaughan. Nay: None.

FY2021-2022 Budget Adoption:

Mrs. Moler presented the FY2021-2022 as follows:

#2021-02
RESOLUTION
ADOPTING THE FY 2021-2022 BUDGET
AND APPROPRIATE FUNDS

WHEREAS, it is the responsibility of the Page County Board of Supervisors to approve and control the County's fiscal plan for FY 2022; and

WHEREAS, the Board of Supervisors has reviewed each request for funding and has received comments from residents at a duly advertised public hearing.

NOW, THEREFORE BE IT RESOLVED, that the Page County Board of Supervisors hereby adopts the Fiscal Year 2021-2022 budget totaling \$78,503,840.

Revenues of All Funds:

General Fund	\$26,457,384
VPA	3,241,800
Children's Services Act	2,550,662
Capital Projects	1,300,000
Landfill Capital Projects	1,280,000
School Operating	41,381,005
School Cafeteria	2,058,734
Parks & Recreation	20,000
VJCCCA	30,076
CVWP	85,179
Page County Water Quality	6,000

Board of Supervisors
Minutes - May 4, 2021

Airport Hangar	93,000
Total Revenue of All Funds	\$70,503,840

Expenditures of All Funds:

Board of Supervisors	\$138,720
County Administrator	353,158
Finance Department	276,415
Legal Services	138,500
Commissioner of Revenue	554,949
Assessment	120,000
Geographical Information Systems	146,777
Treasurer	587,285
Information Systems	243,000
Central Purchasing	51,899
Electoral Board	68,618
General Registrar	120,764
Circuit Court Judge	9,250
General District Court	8,650
J&D Court	16,050
Clerk of the Circuit Court	530,135
Bailiffs	225,026
Magistrates	3,725
Commonwealth Attorney	654,017
Sheriff	2,689,447
Investigations	790,715
Crime Prevention	493,206
E911	132,675
Volunteer Fire Departments & Rescue Squads	429,000
EMS Career Staff	1,708,161
Emergency Communications Center	788,893
Jail	4,061,339
Care of Juveniles	220,761
Animal Shelter	276,250
Animal Law Enforcement	124,715
Medical Examiner	600
Concern Hotline	1,500
Lord Fairfax Emergency Medical Services	11,236
Compactor Sites	87,549
Stanley Landfill	211,100
Battle Creek landfill	1,427,064
General Properties	426,408
Local Health Department	287,238
Northwestern Community Services Board	97,442

CHOICES	5,000
Public Assistance	18,988
Social Services Board	4,522
Shenandoah Area Agency on Aging	65,000
Lord Fairfax Community College	69,798
Recreation	101,613
Regional Library	272,052
Planning Commission	21,384
Planning and Community Development	410,287
Northern Shenandoah Valley Regional Commission	21,955
Zoning Board	6,277
Economic Development	462,263
Airport Commission	50,000
Chamber of Commerce	275,000
Virginia Cooperative Extension	98,817
4-H	1,500
Employee Benefits	321,322
Reserve for Contingencies	100,000
Debt Service	5,639,369
Social Services	3,241,800
Children's Services Act	2,550,662
Capital Improvements	1,300,000
Landfill Capital Improvements	1,280,000
School Operating	41,381,005
School Food Services	2,058,734
Recreation/Enterprise Fund	20,000
VJCCCA	30,076
Criminal Victim/Witness Assistance	85,179
Page County Water Quality	6,000
Airport Hangars	93,000
Total Expenditures of All Funds	\$70,503,840

BE IT FURTHER RESOLVED, that the Page County Board of Supervisors hereby appropriates a Social Services Operating Budget of \$3,241,800 for Fiscal Year July 1, 2021 through June 30, 2022 and that the local tax supported expenditure of funds shall not exceed \$541,805.

BE IT FURTHER RESOLVED, that the Page County Board of Supervisors hereby appropriates a Children's Services Act Budget of \$2,550,662 for Fiscal Year July 1, 2021 through June 30, 2022 and that the local tax supported expenditure of funds shall not exceed \$724,463.

Motion: Supervisor Vaughan moved to approve the FY2021-22 budget totaling \$78,503,840, including the Social Services Operating Budget of \$3,241,800, with the local

tax supported expenditures of \$541,805, and the Children's Services Act budget of \$2,550,662, with the local tax supported expenditure of \$724,463. Supervisor Stroupe seconded and the motion passed by a vote of 6-0. Aye: Guzy, Louderback, Stroupe, Foltz, Vaughan, Phenix. Nay: None.

Mrs. Moler presented the Page County School Budget approval Resolution as follows:

#2021-03
RESOLUTION TO ADOPT THE FY 2021-2022
PAGE COUNTY SCHOOL BUDGET

WHEREAS, the School Board and the Board of Supervisors have held separate duly advertised public hearings; and

WHEREAS, the Board of Supervisors has received a presentation from the School Board; and

WHEREAS, the Board of Supervisors has received comments from staff and citizens and weighed the needs of the school system with the need to provide support for all County services.

NOW, THEREFORE BE IT RESOLVED that the Page County Board of Supervisors hereby adopts a School Operating budget of \$41,381,005 for Fiscal Year July 1, 2021 through June 30, 2022 and that the local tax-supported expenditure of funds shall not exceed \$10,989,932.

BE IT FURTHER RESOLVED, that the Page County Board of Supervisors also appropriates School Food Services in the amount of \$2,058,734 to the School Board for Fiscal Year July 1, 2021 through June 30, 2022.

Motion: Supervisor Vaughan moved to adopt the FY2021-22 School Operating budget of \$41,381,005, with the local tax-supported expenditure of \$10,989,932, and the School Food Services in the amount of \$2,058,734. Supervisor Stroupe seconded and the motion passed by a vote of 6-0. Aye: Louderback, Stroupe, Foltz, Vaughan, Phenix, Guzy. Nay: None.

Broadband Authority Appointments Discussion:

Chairman Phenix said he has received calls from a member of the Broadband Authority expressing concern on the lack of membership and lack of a quorum on the Authority to conduct business because of the Board not appointing or reappointing the members as terms expire. He passed out a copy of an email he received from the U. S. Department of Commerce concerning the lack of membership on the Broadband Authority as it relates to the grant funds received under the Broadband Technology Opportunities Program (BTOP) for the broadband network. He said there were specific award conditions with the money received from the Federal government. Chairman Phenix asked for advice on how the Board should proceed with the appointments to the Authority.

Supervisor Guzy said legal counsel previously advised that the Authority was able to meet and the membership remaining on the Authority constituted as a quorum and they could continue to conduct business. Based on the advice of legal counsel, the Board agreed to let the terms expire.

Supervisor Vaughan added the former Authority Member Bill Shuler stated that the Authority had fulfilled their obligation of what they were originally assigned to do.

County Attorney Helm indicated that he would respond to the email from the Department of Commerce.

Draft Solar Ordinance Review:

Michael Helm, County Attorney, said earlier in the year Mrs. Moler asked for comments from the Board on changes to the draft solar ordinance that had been submitted to the Board by the Planning Commission. At that time, the comments were included in the ordinance draft and is entitled in the document "Suggestions". Mrs. Moler tracked the comments by the Board in that document. The subcommittee began meeting and he went through and made changes based off of those comments. He said some of the changes are formatting changes. He noted that very little has been substantively changed in most of it. He then reviewed the changes with the Board, as follows:

§125-72

(D). Utility-scale solar facilities shall be permitted by Special Use Permit (SUP) only. [Deleted: Utility scale solar facilities shall be permitted by Special Use Permit (SUP) only, and only in the A-1 zoning district.]

§125-73

(D) All small or medium-scale solar energy facilities shall comply with the following performance standards:

(1) The ground mounted solar energy facility shall setback a minimum of 50 feet when the adjacent parcel has an existing residence, all other ground mounted solar energy facilities shall setback as required by the zoning district [Deleted: and no small or medium scale facility shall be located in the front of the primary structure].

(2) If the solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the panel height shall [Deleted: and any accessory structures] not exceed 15 feet.

(F) (1) A performance bond reflecting the costs of anticipated removal shall be posted and maintained by the owner to assure the removal of any unused and abandoned medium-scale solar energy facility. [Deleted: A bond, whose amount shall be

approved by the zoning administrator shall be required to assure the removal of an abandoned medium-scale solar energy facility.]

(2) Any medium-scale solar energy facility will be considered unused and abandoned if either (1) the facility has not operated for a period of twelve (12) consecutive months after initially beginning operation, or (2) construction ceases for a period of nine (9) consecutive months. The owner of an unused facility shall remove the entire system within six months of receipt of notice from the zoning administrator notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire and disposing in accordance with local, state, and federal codes and regulations.

§125-74 Utility-Scale Solar Facility Applications and Procedures.

(A)(3) (g) A narrative identifying the applicant, owner and operator of the proposed project, a brief history of the applicant's solar project developments, including all previous and current solar projects, any legal challenges or claims in which they were named or identified, and the name of any proposed corporate entity under which they intend to operate, if different. The narrative shall further describe the proposed solar facility project, including an overview of the project and its location, approximate rated capacity of the solar facility project, the approximate number of panels, representative types, expected footprint of solar equipment to be constructed, and type and location of interconnection to electrical grid.

Chairman Phenix asked that the word "brief" be removed and replaced with the word "substantive" and the word "applicant's" be removed and replaced with the word "owner's". The sentence would then read: "A narrative identifying the applicant, owner and operator of the proposed project, a substantive history of the owner's solar..."

(A)(4) (e) A landscaping maintenance plan which takes into account the requirements set forth in §125- 75(G) and §125-75(I). [Deleted: A grading plan.]

Supervisor Guzy said this draft version does not include a grading plan. Mr. Helm said if it is not then he will add it.

(5) Decommissioning plan. A draft proposed decommissioning plan shall be submitted with the application. A completed decommissioning plan, certified by an engineer, shall be submitted, and approved prior to, or along with, site plan approval, detailing how the applicant proposes to decommission the facility, which shall include the following information:

(5) (b) A cost estimate for the decommissioning of the facility that shall be prepared by a Virginia licensed professional engineer or contractor who has expertise in the removal of large-scale solar facilities. The decommissioning cost estimate shall detail the

current cost in dollars and projected costs over the life of the project without any reduction for salvage value. The cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.

(5) (d) The manner and method of ensuring that funds will be available for decommissioning;

(5) (e) The proposed methods and steps required for removal of structures, materials, buildings, roads, cabling, electrical components, operational equipment, and any other associated facilities at the end of the anticipated life of the project; [Added in entirety]

(5) (f) Steps to restore the Site to conditions prior to the commencement of the project, including soil stabilization and revegetation (if applicable); and [Added in entirety]

(5) (g) Impacts, if any, on the surrounding properties when decommissioned. [Added in entirety]

(10) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the County. The impact analysis shall include, but not necessarily be limited to: [Added last sentence]

(10) (a) Accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings, including projected vegetative growth. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the County in order to assess the visual impact of the solar facility. [Added "including projected vegetative growth"]

(11) Additional information may be required as determined by the Zoning Administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by Page County to assess the visual impact of the project, landscaping and screening plan, coverage map, and additional information that may be necessary for a technical review of the proposal. [Added in entirety]

§125-75 General Regulations and Standards (retitled from Minimum development standards)

B. Utility-scale solar facilities shall be constructed and operated in substantial compliance with the approved Site Plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) Permit by Rule (PBR) process.

E. Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided, with exception of encroachments permitted by State Code and regulations. [Added in entirety]

F. Utility-scale solar facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with native and non-invasive plant materials consisting of an evergreen and deciduous mix (as approved by County staff), except to the extent that existing vegetation or natural landforms on the site provide such screening as determined by Page County. Trees shall be a minimum of 6 feet in height at time of planting and in staggered rows often (10) foot on center. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. The effectiveness of screening shall be maintained as the plant materials mature. Unhealthy and dead plants shall be replaced within one (1) year of being provided written notice by the County of the violation. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method. [Added the words "utility-scale solar facilities"]

N. The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit from Page County. The applicant shall provide proof of said liability insurance policy upon request by the County. [Added last sentence]

R. The estimated cost of decommissioning shall be guaranteed by the deposit of funds, in an amount equal to the estimated cost of decommissioning in an escrow account at a federally insured financial institution approved by the County.

(1) The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.

(2) The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the County. The County shall consent to the release of the escrow funds upon the owner's or occupant's compliance with the approved decommissioning plan. The County may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.

(3) The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.

(4) A Virginia licensed Engineer shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning

exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the County may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.

(5) The County may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the County. In the event a bond is approved as an alternative security, such bond shall be posted prior to the commencement of construction, and maintained thereafter, in an amount to be reassessed every five (5) years based on estimated decommissioning costs. The applicant shall provide proof of such bonding after each reassessment, and shall provide a copy thereof to the County Administrator or their designee. [Entire Section moved from §125-76 (Decommissioning) to §125-75 (General Regulations and Standards)]

Supervisor Guzy asked why would the County Administrator be the one to give consent for disposal or recycling at the landfill, and not the Board. Mr. Helm said that it could come before the Board, but the County Administrator is usually entrusted with this task. He said he would change this to the Board of Supervisors.

§125-76 Decommissioning

A. Any utility-scale solar facility which has reached the end of the term of the special use permit and not been granted an extension shall be deemed abandoned.

B. Any utility-scale solar facility which has not operated for a period of twelve (12) consecutive months after initially beginning operation shall be deemed abandoned, unless granted an extension, in writing, by the County Administrator or their designee.

C. Any utility-scale solar facility project for which construction ceases for a period of nine (9) consecutive months prior to beginning operation, shall be deemed abandoned, unless granted an extension, in writing, by the County Administrator or their designee.

D. The owner or operator shall notify Page County by certified mail and in person of the proposed date of discontinued operation in accordance with §125-75(T).

H. Hazardous material, panels or pieces thereof from the property shall be disposed of through a viable recycling method and in accordance with federal and state law. No material may be disposed of, recycled, or otherwise processed in Page County without the express written consent of the County Administrator. A receipt of disposal shall be submitted to the County Administrator or their designee within sixty (60) days of such disposal. [These items were reworded from previous versions.]

Mr. Helm reviewed §125-78 (Conditions) and said the main changes to this section is the wording. He said he left the conditions open for the future. The special use permit gives the Board more leverage and control of the process. The previous draft ordinance was

almost granting as a by-right usage. He said that there is not a consensus of the Board to agree on the conditions for an ordinance. He stated he was trying to write an ordinance that protects the County legally.

Mr. Guzy indicated that he would like the Board to review the application and permit fees for solar at the next meeting.

Supervisor Louderback indicated that he does not see any need for industrial scale solar in the County. Since the Dogwood project was approved, the Board should wait until that project is complete to see what it looks like. He said these projects are not going to benefit the County. They are not going to provide revenue or economic development.


Mrs. Moler added that all these changes that have been made to the draft ordinance are based on suggestions from the Board. She agreed with Mr. Helm that the Board cannot agree on an ordinance, and ultimately, it's up to the Board. She said if the Board wants to discuss the fee schedule then she will place it on the next agenda.

Adjourn: 9:20 p.m.

With no further business, Chairman Phenix adjourned the meeting.



Morgan Phenix, Chairman



Amity Moler, County Administrator