

Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Friday, January 6, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	X	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	✓

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Chris Boies (County Administrator), Kristina Maddox (Office Manager / Zoning Officer)

OTHERS PRESENT: Patricia Shorr (Hecate Energy, LLC), Langdon Greenhalgh (Carter Hall), David Frank (Pennoni)

CALL TO ORDER: By Chair Ohrstrom at 9:00AM.

1. Approval of Agenda

The Commission voted 11-0-1 to approve the agenda as presented by Staff.

Motion to approve the January 6, 2023 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Bass	ABSENT	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE	Lawrence	AYE

2. Approval of Minutes

A. November 29, 2022 Work Session

The Commission voted 11-0-1 to approve the November 29, 2022 Work Session meeting minutes as presented by Staff.

Motion to approve the November 29, 2022 Work Session meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Bass	ABSENT	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE (moved)
Hunt	AYE	Lawrence	AYE

B. December 2, 2022 Business Meeting

The Commission voted 11-0-1 to approve the December 2, 2022 Business Meeting minutes as presented by Staff.

Motion to approve the December 2, 2022 Business Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Bass	ABSENT	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE	Lawrence	AYE

CONTINUED PUBLIC HEARING

3. SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased)

Mr. Camp presented an update on this special use permit and site plan application including changes and revisions addressed since the December Business Meeting. He said the proposed solar panels are more focused toward the center of the main site and that the applicant added access roads, skids for control equipment, and perimeter landscaping. He added that fencing and stormwater improvements consisting of a series of check dams, ditches, and berms were included. He continued that the revised decommissioning plan was reviewed by Staff and the county attorney, that it meets State code requirements, and is acceptable to the county. He said there was a concern regarding condition numbers five and fifteen in the draft which have now been revised to clearly state the applicant’s responsibilities. He said Staff advises the Planning Commission recommend approval to the Board of Supervisors but noted the applicant requested a modification to one of the conditions regarding the timeframe in which they have to obtain permits and to complete construction of the facility. This includes a change from six to twelve months to obtain all permits in addition to extending the construction timeframe from eighteen to twenty-four months. When asked by Chair Ohrstrom if Staff has any objections to these changes, Mr. Camp said there are no objections from Staff.

As there were no questions from the Commissioners, Chair Ohrstrom opened the continued public hearing. As there were no speakers for the public hearing, Chair Ohrstrom closed the public hearing. The Commission had no questions or comments.

The Commission voted 11-0-1 to recommend approval of **SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased)** to the Board of Supervisors.

Motion to recommend approval of SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner-deceased) to the Board of Supervisors:

Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (seconded)
Bass	ABSENT	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

SCHEDULE PUBLIC HEARING

4. SUP-22-02/SP-22-03, Carter Hall Estate, LLC.

Mr. Camp announced that Vice Chair Buckley and Commissioner Dunning previously recused themselves from this application due to conflict of interest and would not be participating.

Mr. Camp presented the staff report for this special use permit and site plan. Following the presentation, he said Staff recommends the Commission schedule a public hearing on Friday, February 3, 2023. He said the Commission has until April 16, 2023, which is 100 days from the date of today’s meeting, to act on the application unless the applicant voluntarily extends the date.

Commissioner Staelin asked Mr. Camp how the noise ordinance does or does not relate to the application. Mr. Camp responded that the noise ordinance is unclear. He said it appears to state that activities permitted by the Board of Supervisors are exempt from the ordinance which would include special use permits. He added that noise issues can be addressed using special use permit conditions.

Commissioner Glover questioned why the public hearing is to be scheduled when there seems to be several unanswered questions. Mr. Camp responded that it is up to the applicant as to when the one-hundred days starts and that the Commission schedule the public hearing on a future date. Commissioner Glover asked that any future items and buildings be marked on the plans as proposed and noted the details within the chart are not consistent. He also noted there are no bathrooms within the 5,000 square foot building or in the pool area. He asked if the tents are required and asked about their capacity. Additionally, he asked about the above-ground fireworks and wanted more clarification if they are to be above or below the tree canopy. Mr. Glover said he is in agreement that a photometric survey needs to be done before he recommends it move forward.

Chair Ohrstrom said one of the reasons the public hearing is scheduled is so the Planning Commission has time to hear what the public has to say and to provide the applicant the opportunity to address any concerns and that the public hearing could be continued as needed. Commissioner Kreider said there are several questions that need answers including building materials to ensure noise reduction and light survey details.

Chair Ohrstrom said he does not consider glass soundproof and believes it would enhance sound and would like to see a certified engineer’s thoughts on the matter. He commented that there are several details regarding noise abatement details and procedures they plan to have in the stable but no detail for the glass conservatory building. He said it is an important detail to note as it is a rural residential neighborhood

where neighbors are potentially impacted. Chair Ohrstrom said he believes the Commission will create a series of noise conditions later on in the process.

Chair Ohrstrom said he read in the packet that the Virginia Department of Health says the new septic is compatible with 110 people and not 149. Commissioner Lee agreed to look into those details.

Chair Ohrstrom also noted a potential discrepancy within the packet where he read that the country inn use will start after phase one which is stormwater and septic. He said the Planning Commission is unable to approve this until the buildings have been renovated and brought up to code.

Chair Ohrstrom asked if Carter Hall Estate, LLC plans to provide a presentation to share their thoughts side of the project during the public hearing.

Commissioner Glover commented that his decision depends on the future impact of future Planning Commission decisions as well.

Langdon Greenhalgh (965 Red Gate Road, Millwood) stated that he represents Carter Hall Estate, LLC ownership along with David Frank of Pennoni Engineering. He asked that the Planning Commission consider the following points regarding their intent behind the Carter Hall special use permit and site plan. He said they propose that Carter Hall will continue similar to how it has been for the past forty years as an inn and events venue. He said they plan to invest additional capital of their own to keep the historical integrity of the property while also making it a country inn in which the county can be proud. He added they are applying for a country inn and special use permit that will allow for 15 rooms and 149 people to remain in compliance with the existing zoning ordinances even though it previously had been operating with 24 bedrooms.

Mr. Greenhalgh commented that Carter Hall is unique as a property in Clarke County and has already been in operation as an event location with lodging and meals for decades but has yet to be zoned as a country inn. He said their application plans to address the challenge. He added that Carter Hall is a true Clarke County country inn fit and that it matches the county's qualifications and zoning ordinance.

Mr. Greenhalgh said that a great deal of commitment, resources, and effort have gone into the extensive application process and that a lot of time and money have been spent addressing each question raised by the state and county as best as possible. He added they are happy to continue to work with the Planning Commission, Staff, and community so that all questions and concerns are addressed.

Mr. Greenhalgh welcomes the Planning Commission to do a site visit at Carter Hall and that he envisions the property will be more accessible to the community than it previously had been. He hopes for historic tour opportunities, access to the grounds and meeting spaces for Clarke County in addition to community-based organizations. He added that the property has a rich history and role within the county and they wish to run it as a country inn in order to preserve its historical value as a property such as this takes a lot of resources to maintain long-term. He said they recognize the unique history and local heritage related to Carter Hall and are committed to both historical preservation and education that is important for the benefit of generations to come. He said it is imperative to properly maintain the property and to do so successfully requires an immediate long-term investment and sustainable revenue model. He plans to operate Carter Hall as a vibrant business that will contribute in many valuable ways by creating new economic

opportunities for Millwood and Clarke County, new jobs, opportunities for partnership, and tax revenue benefits for the county.

Mr. Greenhalgh said they are committed to avoiding any issues that may arise related to future Carter Hall operations and want to work with the community and county to address traffic issues in Millwood and ensure that any noise from the property meet the county noise ordinance.

To address the light transmission questions, Mr. Greenhalgh said Carter Hall and conservatory building were confirmed to conform with current Clarke County zoning ordinance Section 6.H.11. He stated they have started the photometric study as part of the original design and plan to focus that further on the conservatory building for the Planning Commission. He said the application includes information on the tinted glass in the conservatory to reduce visible light transmission and reject solar. Additionally, he said they have also confirmed that a 3M film product is to be installed onto the conservatory ceiling windows which is estimated to provide a light glare reduction by more than 60% as well as a reduction of solar energy by more than 70%. He added that solar energy reduction addresses both passive solar and infrared heat coming into the building and that HVAC cooling and heating components can be provided to ensure comfort for all events and seasons. Mr. Greenhalgh said the film will support the already enhanced covering provided naturally by the trees surrounding the area.

To address the noise concerns, Mr. Greenhalgh said the conservatory building will be designed to reduce external noise at an estimated reduction of 20 decibels. He added the engineers and designers ensure that any music transmitted from within the building, when combined with the significant distance and natural obstacles involved in the terrain, ensure that any music noise from Carter Hall meets Clarke County ordinance requirements. He continued that the stables were previously referenced by Chair Ohrstrom and that they are going through extensive measures to ensure it is also a well-soundproofed building. Mr. Greenhalgh said details will be provided to the Commission as soon as they become available from the acoustic engineering experts regarding music sound reduction in these specific buildings.

Concerning fire safety, Mr. Greenhalgh said they are working with some of the best contractors in the area to ensure that everything meets and exceeds code expectations. He continued that he understands the building codes and that the fire officials will determine requirements and building codes will determine what fire system is required and that the locations and minimum number of egress points are to be provided. He said Carter Hall has fire hydrants throughout the property and that the building codes will determine whether or not there is a requirement for a sprinkler system and also the location and minimum number of emergency egress points that are provided. He explained they are working with Power Concepts, Inc based out of Winchester, VA who will be supporting them with the fire system design and ensuring requirement compliance from an electrical standpoint. He stated they are willing to provide additional details in terms of what codes are to be met and how.

With regards to phasing, Mr. Greenhalgh stated the intent is to upgrade all rooms, bathrooms, and facilities but to retain the historic character of the buildings as much as possible while bringing the country inn buildings up to modern standards. He reiterated that phase one is septic and stormwater management system and noted phase two is main house, stables, and wash house, etc. He commented they hope for some flexibility in this regard in that the country inn and events will be operational upon completion of phase one but would have additional upgrades in subsequent phases that would take place as soon as possible. He said they know they will need permits approved and have already submitted permits to do some of the work which is contingent on the county's special use permit determination. Chair Ohrstrom

said if they are unable to operate after phase one is complete, that it needs to be addressed. Mr. Greenhalgh responded that they understand there will be some back-and-forth across the phases and that they would not seek to occupy any building that has yet to obtain a certificate of occupancy. He said the way he understands the process is that the building would not be reoccupied until a certificate of occupancy is issued and Carter Hall Estate would comply with the standard county permitting and occupancy processes and requirements.

In response to potential tent locations, Mr. Greenhalgh said the majority of the events will be in the conservatory building or stables but would like the flexibility to have a tent on another part of the property. He added that the tents would be temporarily erected on the property for events on an as-needed basis and that Carter Hall would adhere to the county's person limit at all times regardless of location on the property. He said the revisions to the site plan will include ten potential tent locations.

Mr. Greenhalgh said adjoining the conservatory is the washhouse which will have five toilets and one urinal for all persons and added the distance from each building is not too far. Chair Ohrstrom commented that from a practicality standpoint that it does not make sense to not have a water facility in the conservatory. Mr. Greenhalgh responded they are working with a design team and said the washhouse and water is nearby and is an existing building rather than an addition. He added there is a total of forty-six toilets and urinals on the property itself to include twenty-nine toilets and urinals for guests and another seventeen for staff.

Mr. Greenhalgh commented that they are going back and forth with DEQ on stormwater review (Department of Environmental Quality) and said it is in the process of being addressed and approved by DEQ to meet those requirements and not disturb neighboring properties in any way.

In conclusion, Mr. Greenhalgh said they are committed to making an important contribution to our special Clarke County and that the partnerships in this project are rooted deep in the commitment to this community and their love for it. He said their fifth great grandfather originally built Carter Hall, they have families in Clarke, their children attend school here, and they want what is best for the county and community. He said he has done a lot of meaningful work around the world but wishes to do more in Clarke where he lives and where many generations of his family have lived.

Commissioner Staelin requested additional detail on the events themselves such as what type of events will be held and how meals are to be served. He also noted that even if the noise is reduced by 20 decibels, that the music will still be at a 100 or so decibel level. He questioned having events on the patio or even a tent with music and said all of these unknowns make it difficult to judge. He noted the comparison between Project Hope and what they plan to do with Carter Hall and said that while there are similarities, Project Hope did not host events every weekend. He also wants to better understand the catering logistics and noted that if it is to be a long-term investment, they will want to consider these situations.

In response to Commissioner Staelin, Mr. Greenhalgh said a lot of business analysis was done and they believe that the proposal put forward will be successful, sustainable, and will allow them to further contribute to the community. Additionally, he said he was attempting to communicate that there are similarities between them in that Project Hope fed and housed people in which Carter Hall plans to do the same.

Commissioner Glover said if it were just a matter of updating Carter Hall, the process would be a lot faster but it complicates matters by adding a 5,000 square foot conservatory. He said the conservatory is of a great concern to him and said that while the pool is less of an issue, it is still a concern. He said the new stormwater drains are troubling and that while DEQ is involved, he questions their standards. Commissioner Glover also addressed the potential sinkhole and depression issue on the property. He commented that he appreciates what Mr. Greenhalgh envisions but as far as the conservatory goes, it is off the table for him. He asked if Mr. Greenhalgh had a business model for making it work without the conservatory and if it is needed to survive. Mr. Greenhalgh responded that he believes the use of the space is a big part of what they want to do in order to bring people together in one area. Commissioner Glover said he would feel more comfortable if it was a regular building than a conservatory and that the neighbors and citizens may even prefer that. He also mentioned that conferences and weddings typically happen on the weekends when neighbors are home.

Mr. Greenhalgh thanked the Commission for their feedback and said he welcomes the opportunity for a site visit by the Commission to help them get a closer look.

Mr. David Frank of Pennoni asked to speak regarding Carter Hall stormwater management issues. He said they have been working with DEQ on this for quite some time and that they incorporated some downstream offsite improvements in the stormwater design. He said DEQ regulations require them to do a point of analysis which makes the drainage coming from the property go downstream to 1% of the drainage shed. He said they have met the DEQ design requirements and are not impacting downstream in a negative way. He continued that the downstream improvements they proposed that would help water flow downstream offsite from the property are not desired by the neighbors that live downstream and as such have been removed from the plans causing a slight delay in the project process.

Commissioner Staelin pointed out that the largest spring in Clarke County is located on the property and is the major source of water through Millwood and to the Shenandoah.

There were no further questions or comments from the Commission.

The Commission voted 9-0-3 to set a public hearing for SUP-22-02/SP-22-03, **Carter Hall Estate, LLC** for the Friday, February 3, 2023 business meeting.

Motion to set a public hearing for <u>SUP-22-02/SP-22-03</u>, Carter Hall Estate, LLC for the Friday, February 3, 2023 business meeting:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	ABSTAINED	Kreider	AYE
Bass	ABSENT	Lee	AYE
Dunning	ABSTAINED	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE (moved)
Hunt	AYE	Lawrence	AYE

Board and Committee Reports

5. Board and Committee Reports

Board of Supervisors (Douglas Lawrence)

Commissioner Lawrence noted the purchase of a new tax software program to help assist the Commissioner of the Revenue’s office with preparing tax bills.

Commissioner Lawrence said there was a public hearing on the Waterloo Plan.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Nothing currently pending.

Board of Zoning Appeals (Jeremy Camp)

Mr. Camp noted there are no pending appeals but that he would like to hold an organizational meeting.

Historic Preservation Commission – HPC (Bob Glover)

Commissioner Glover said there is a meeting coming up in a few weeks and Mr. Camp explained there will be a preliminary discussion regarding the upcoming awards luncheon.

Conservation Easement Authority - CEA (George L. Ohrstrom, II)

Chair Ohrstrom said the CEA had a banner year in 2022 with approximately 800 acres put into conservation. Commissioner Buckley commented that 275 acres were put into conservation in December alone and that twelve DURs (dwelling unit rights) were retired with three parcels.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said that All Points Broadband was to make a presentation before the Board of Supervisors in December but that it was postponed to their February meeting due to scheduling conflicts.

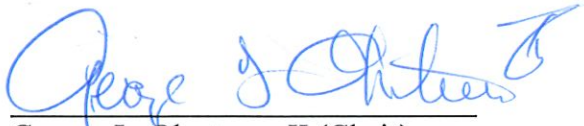
OTHER BUSINESS

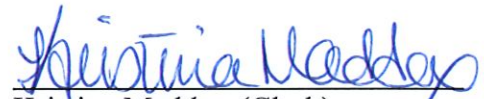
Mr. Stidham announced that the Policy and Transportation Committee is meeting in the A/B conference room following this meeting to discuss campground issues.

Adjournment:

The Commission voted 11-0-1 to adjourn the meeting at 10:03AM.

Move to adjourn the Business Meeting:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (seconded)
Bass	ABSENT	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE	Lawrence	AYE


George L. Ohrstrom, II (Chair)


Kristina Maddox (Clerk)