

Clarke County Planning Commission

MINUTES – Work Session

Tuesday, August 29, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓ E	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Frank Lee (Berryville)	✓
Terri Catlett (Board of Supervisors)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	✓	John Staelin (Millwood)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X ¹
Pearce Hunt (Russell)	✓		

E – Denotes electronic participation.

¹ - Commissioner Lawrence attended the meeting but did not serve as the BOS alternate

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner / Zoning Administrator), Kristina Maddox (Office Manager / Zoning Officer), Lorien Lemmon (Conservation Planner / GIS Coordinator)

OTHERS PRESENT: None.

CALL TO ORDER: By Chair Ohrstrom at 3:01PM.

1. Approval of Agenda

The Commission had no additions to the agenda as presented by Staff.

2. Review of September 1 Business Meeting Agenda Items

A. Agenda Review

Mr. Stidham reviewed the Staff Report on the upcoming continued public hearing for the conditional zoning request by Rappahannock Electric Cooperative (REC). The review included an outline of updates from their concept development plan and the status of final approval from the Virginia Department of Transportation (VDOT).

Commissioner Lee asked if the applicants will be required to do resistivity testing and Commissioner Staelin asked if it would be done by Frederick Water for the proposed pump station lot. Mr. Stidham replied that those details would be included in the applicant’s full karst plan feature to be submitted with a site plan. He added that Frederick Water may do it in conjunction with the applicant. He added he thinks the storm water basin will need to be bigger which may impact the site layout.

Commissioner Staelin asked if a large tractor trailer would have difficulty making a turn into the designated entrance. Mr. Stidham replied that the main entrance off of US 340 would be wide enough to accommodate a tractor trailer although he thinks the most common sized truck using the entrance would be a bucket truck.

Commissioner Glover asked what the purpose is of the emergency exit to which Mr. Stidham replied that it will be used if the primary entrance is blocked.

Commissioner Lee inquired about the large trucks that haul poles on a trailer. Mr. Stidham said that VDOT is reviewing for their access points and that he is waiting for their written approval.

Mr. Stidham said the second continued public hearing is for the campground regulations text amendment that was deferred in July due to concerns by Mr. Lowell Smith. He said Mr. Smith's concerns were that there would not be enough camping opportunities along the Appalachian Trail should dispersed camping be discontinued in the future by state and federal property owners. Mr. Stidham said the Commission discussed these concerns but ultimately decided not to make any changes to the text amendment language. He added that the text amendment will be reviewed again at the upcoming continued hearing.

Mr. Camp reviewed the Staff Report for Horus Virginia I, LLC (SUP-22-01/SP-22-02) application for a 50-megawatt solar plant proposed on 400 acres in the AOC District. He said the Planning Commission has 100 days to issue a recommendation starting today which would be December 10th unless the applicant requests another deferral. He continued that Staff recommends scheduling the public hearing for October 6th while the applicant works on the unresolved issues.

Commissioner Staelin asked if they would need to return to the Commission if they want to make future changes. Mr. Camp replied yes.

Commissioner Hunt asked about the post-construction process and completion of the West Virginia site. Mr. Camp said construction of the site was recent and believes they are still in progress and will be until November. He said the vast area was completely open and void of vegetation and explained they had erosion problems during a recent storm. He said if there is a way for us to minimize that potential risk but also to maintain the topsoil for future agricultural use. The Commission had a brief discussion on the location of the solar plant and determined to be off Kabletown Road near the Charles Town Catholic church.

Commissioner Glover asked if a recent traffic study was done on both Triple J Road and Westwood Road. Mr. Camp responded that traffic studies are done every few years and that both entrances were acceptable within VDOT's parameters and approved within their review process. He noted he would look into this and provide additional information.

There were no further questions or comments from the Commission.

B. Status of Deferred Applications

Mr. Camp reviewed the status of various applications including Berryville Berries, a campground special use permit. He said the applicant is working with the Health Department and an engineer to resolve a bathroom facility requirement issues.

Mr. Camp briefly reviewed the status of minor subdivisions including Ragan Partnership, Foster, and Cather that are all in deferment per the applicants. He said Foster and Cather are working through resistivity completion and Ragan Partnership has had some issues with access design. He continued the applicant may be requesting a waiver, that they are pursuing conservation easement, and that they are working with VDOT to work out some issues.

3. Old Business – None scheduled

4. New Business

- A. Discuss Text Amendment Request from Board of Supervisors – Solar Power Plant Use and Regulations (TA-23-04)

Mr. Stidham said Chairman Weiss provided a letter explaining the Board's rationale for initiating this text amendment. Mr. Stidham said there is also an excerpt from the Board's July 18th meeting when they adopted the resolution. He said the resolution directs the Commission to develop a text amendment to accomplish three main purposes. The first, he said, is to prohibit the development of any new solar power plants in the county. The second is to preserve solar power plants that are in existence or with zoning approval as conforming uses with the ability to expand within one mile of the preexisting electrical substation which originally qualified the facility to be developed. The third purpose is to protect the ability of county landowners to use behind the meter solar power primarily for their own onsite consumption and with incidental resale of excess power to the service providers. He added that the resolution also further directs the Commission to hold a public hearing on the text amendment and for a formal recommendation to the Board. Mr. Stidham said that as per the county ordinance the Commission has 100 days to accomplish this task but that the Board would be content if the Commission spent a couple meetings to establish a concept of a text amendment. He added the Board and Commission could potentially hold a joint work session to discuss the concept before the text amendment draft is finalized and a public hearing scheduled.

Mr. Stidham reviewed the current solar power plant zoning regulations that were adopted in 2010. He said solar power plants are limited to being located adjacent to and their facilities located within one mile of a pre-existing electrical substation of 138 kilovolts or higher. He added that includes Hecate solar power plant located at Double Tollgate and the substation at Ramsburg Lane where the Horus Virginia project is currently proposed.

Chair Ohrstrom asked for clarification regarding the one-mile radius rule. Mr. Stidham explained that all facilities associated with that solar farm have to be located within one mile of the substation and then provided the Horus Virginia project as an example.

Mr. Stidham continued with the solar power plant zoning regulation review and noted there is concern that there will be an ongoing county and county landowner pressure to relax these regulations to provide land for future solar development. He added there is also concern that provide the landowners with false hope that they can develop solar power plants on their property. He clarified that behind the meter solar is not regulated nor is ground or house mounted but would need to comply with zoning structure regulations. Mr. Stidham made the Commission aware of the new concept of community scale solar and explained that it is where a number of landowners may share a portion of a solar power plant on their property for their own onsite use but also resell to the grid. He noted there are some regulatory hurdles and that there is a limit governed by state law as to how much energy can be resold to the grid. He said there is a lot of research to be done on this matter but that his preliminary findings conclude that one megawatt takes 5 to 10 acres to develop which does not take into consideration the one acre of land disturbance, new impervious surface, and a potential DEQ stormwater management plan.

Mr. Stidham said Chair Ohrstrom's initial thoughts were emailed earlier and presented in hard copy and asked if the Commission would like to discuss their thoughts.

Chair Ohrstrom noted that he realizes this has been a complicated issue so he sent the email that Mr. Stidham forwarded to provide his overall point of view. He said that while he is interested to learn everyone's thoughts on the matter, he also understands that some might not be ready to share their thoughts as this is fairly new but important topic.

Commissioner Staelin said Chairman Weiss compared this issue to sliding scale zoning in his comments. He said he recalls the surrounding counties' development and Clarke's own county growth during that time and the forward thinking approach the Commissioners took with sliding scale zoning. He said he believes the current commissioners are in a similar situation now where they have the potential to be innovative. He continued that it is difficult on one level to be against solar these days but on the other hand there is a place for it. He explained that there are large uncovered parking lots here whereas in Europe the parking lots have solar panel coverings and solar panels on top of buildings. He added that it all comes down to cost and that it cost less to install solar panels in Clarke but we need to be considerate of power cables and everything else involved. He said he is supportive of the idea and is hopeful the Commission today can view it in the same spirit as the Commissioners did in the 1970s with sliding scale zoning.

Commissioner Hunt commented that he plans to do a lot of research regarding the positives and negatives as there are so many variables involved.

Commissioner Lee said he prefers to refer to the Comprehensive Plan which states Clarke wishes to retain as much agriculture as possible within the community. He continued that the Commission has to look at current situations though be flexible with the change in times within reason. He said his overall preference is not to see drastic changes in the Comprehensive Plan.

Commissioner Glover stated he wants to understand the farmer's point of view on the matter. He said that while the land can still be used for agriculture it creates impervious surface. He would also like to hear from cattle farmers who have incorporated solar plants successfully.

Chair Ohrstrom said that the American Farmland Trust is going through a process currently to discuss agrivoltaics which is a solar farm where the panels are higher and spread apart to allow animals to graze underneath. He said the problem is that larger animals such as cattle tend to rub against the panels creating more of a cost for sturdy materials but that it works well for smaller farm animals such as sheep. He said overall they are being used and studied in various locations and added that places like Germany are growing row crops underneath the panels

Commissioner Staelin commented that the Comprehensive Plan promotes easements. He said he does not believe one can have a commercial solar plant on a property that is in easement currently which results in a conflict unless the Commonwealth were to state different rules and regulations.

Vice Chair Buckley said he has long been opposed to converting farmland to solar projects. He said it is more of a burden on agricultural operations that are in counties close to urban areas. He continued that it is difficult to afford land to farm in Clarke so most agriculture operations rely on rented farmland. He said that it becomes more difficult to find land to farm as its bought by people from urban areas who

do solar or nutrient credit trading bank projects that it is even more difficult in Northern Virginia than in central or southwest Virginia. He added the region and country have done a poor job of not encouraging solar projects on previous impervious surfaces. He said Walmart buildings, warehouses, factories, and distribution centers should be required to have solar panels and that Midwest states even have covered parking garages for their employees that are all producing energy. He stated that he hopes the Commission can come to some agreement that works for everyone.

Commissioner King said he has concerns with solar and is in agreement with Vice Chair Buckley. He said he believes there is a better use of buildings, parking lots, or even the Loudoun County data centers as an example. He said he hopes to see farms stay in farm use.

Chair Ohrstrom said that everyone has research to do and information to learn and to feel free to share findings with the Commission so they can have a thorough and intelligent conversation as there are many perspectives to consider. He said there has to be some sort of cap on the acreage used for utility solar and that if Bellringer is approved it would total approximately 600 acres in Clarke. He thinks adding a certain percentage limitation such as 5% plus buffering and stormwater requires a large parcel reducing the number of landowners but also allowing some of the family and industrial farms to generate revenue.

Commissioner Catlett is glad to have the discussion as there are different pieces to consider. She said the Commission has always done a wonderful job over the years trying to focus on long-term versus short-term affects. She added that she recently attended a Virginia Association of Counties (VACO) session on energy and land use where they spoke on solar but mostly on data centers. She heard from many counties that now realize the complications involved as they were revenue-focused at the time. She said she looks forward to learning more on this and finding a sustainable solution.

Commissioner Lee commented that the land itself should be considered as land and soils are different in various parts of the county where there is good and poor agricultural areas. He suggested that the Commission use the Land Evaluation Site Assessment (LESA) scoring system to evaluate each potential site and not use good agricultural land and using it for a purpose that it was not designed for. He said there are areas within the county that have poor, rocky soil that could be used for grazing just not for row crops. He said the Commission should take a very specific look at the land itself to see the potential utilization of the land.


Mr. Stidham said Staff will forward along materials to the Commission as they come across it and asked the Commission to do the same.

B. 2023 Transportation Plan Update – Review Draft from Policy & Transportation Committee


Mr. Stidham reviewed the initial draft of the 2023 Transportation Plan that was revised by Staff and the Policy and Transportation Committee. He said State Code requires VDOT to review before it is adopted so he is looking for the Commission to provide any comments and to consent to for the VDOT draft. He added that once Staff receives VDOT comments the finalized draft will be returned to the Commission for final consideration and to schedule a public hearing. Mr. Stidham said he would forward the final draft review to VDOT as there were no questions or comments from the Commission.

ADJOURN

The Work Session adjourned by consensus at 4:19PM.



George L. Ohrstrom, II (Chair)



Kristina Maddox (Clerk)