

Clarke County Planning Commission

MINUTES – Business Meeting

Friday, October 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)	✓	Frank Lee (Berryville)	✓
Terri Catlett (Board of Supervisors)	✓	Gwendolyn Malone (Berryville)	X
Buster Dunning (White Post)	✓ ^E	John Staelin (Millwood)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X
Pearce Hunt (Russell)	✓		

E – Denotes electronic participation

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

OTHERS PRESENT: Thomas “Ty” Moore Lawson (Thomas Moore Lawson, P.C.), Braden Houston (Opdenergy), Benjamin Svedlow (Integrity Federal Services)

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

Chair Ohrstrom noted that Commissioner Dunning is participating electronically due to personal reasons and that he is currently out of town.

1. Approval of Agenda

The Commission voted 9-0-1 to approve the October 6, 2023 Business Meeting agenda as presented by Staff.

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

2. Approval of Minutes

A. August 29, 2023 Work Session

The Commission voted 9-0-1 to approve the August 29, 2023 Work Session meeting minutes as amended.

Motion to approve the August 29, 2023 Work Session meeting minutes as amended:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE (moved)	King	AYE
Catlett	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	ABSENT
Glover	AYE	Staelin	AYE

B. September 1, 2023 Business Meeting

Chair Ohrstrom asked for clarification on the first sentence of the third paragraph on page 14 of 41. Mr. Stidham asked to strike “regarding the economic analysis siting agreement” to correct the sentence.

The Commission voted 9-0-1 to approve the September 1, 2023 Business Meeting minutes as amended.

Motion to approve the September 1, 2023 Business Meeting minutes as amended:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE (seconded)	King	AYE
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	ABSENT
Glover	AYE	Staelin	AYE

CONTINUED PUBLIC HEARING

3. SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant) / Bellringer Farm, LLC (owner)

Mr. Camp reviewed the Staff Report for the special use permit and site plan application. He said Staff recommends that the Planning Commission defer the application as requested by the applicant. He said the applicant wants to revise the site plan to move the electrical yard location. He said the applicant would like to defer to November 3rd but Staff has concerns whether that is sufficient time.

Chair Ohrstrom asked about the gated entrance off Triple J Road and noted it was his understanding that it is to be a construction entrance only. Mr. Camp replied that it is his understanding the applicant plans to include those details when they resubmit. He said the intent of the second entrance was for large trucks to have easier access. There were no further questions from the Commission.

Ty Lawson said the purpose of the deferral is that the substation runs east to west and their engineer suggested they relocate. He said they held a separate public meeting on Wednesday at the VFW after adjoining property letters were sent and pamphlets were handed out door-to-door. He said there was low attendance but that the public comments were complimentary. He said there were various questions regarding riding horses on the property, landscape upkeep, if pesticides are to be used, etc.

Mr. Lawson explained the siting agreement that Chairman Ohrstrom inquired about. He said Donna Peake had given him the terms of the Hecate siting agreement and that OPD reviewed them and said they would match it as they are larger facility. He added this would provide additional net income to Clarke County and that it would be greater than what Hecate is currently paying. He continued that they understand the terms of the siting agreement and the requirements of the permit.

He said the information Mr. Camp provided regarding the Triple J Road entrance is correct and that it is going to be used a construction entrance and will be gated post-construction and that the Westwood Road entrance will continue to be used. He said the individual who oversees the Jefferson County site will also oversee the Clarke County site and that someone will visit every two weeks or so. He said most of the operation is automated and computer-driven so there will not be a lot of in and out traffic and that most of the traffic will be during the summer due to mowing.

Mr. Lawson said that while they hope to receive the revised materials within two weeks they are flexible on the date and in no rush. He continued they are waiting on the re-draw of where the wires connect.

Commissioner Glover noted the Jefferson County site parking is on the main highway and asked where construction parking would be for the Clarke County site. Mr. Lawson replied the Jefferson County site is very visible from the road and that the Clarke County site is the exact opposite in that there is already landscaping in place. He added that all of the activity occurs over the berm and on the property including the construction. He said the technology is the same for both locations, that there will be grading, that the panels are about eight feet off the ground, and that nothing that can be seen from surrounding properties.

Commissioner Catlett asked about the acreage and construction time for the solar project in Jefferson County. Braden Houston replied that it is approximately 500 acres but that they are only utilizing about 350 acres and that the site will take a year to complete while the Clarke County site should take 9 months as it is 50 megawatts versus 80 megawatts.

Chair Ohrstrom asked what would happen to the solar array during a hail storm. Mr. Houston replied they are designed to withhold in storms and will tilt vertically to reduce breakage but that some may need to be replaced on occasion due to damage.

Chair Ohrstrom read the public hearing rules and opened the public hearing.

Charles Alton (1250 Westwood Road) said he has several concerns about this project. He said he understands Clarke County to be agricultural and hopes that remains constant and said he did not believe a project of this size to be a good fit. He said Westwood Road does not have much traffic and that he hopes this will not change. He continued that his main concern is the water. He said his 13.5-acre property has a lot of limestone and that the soil is very porous and that he was told the water that he drinks is from miles away. He said he is not sure how far away he is from this solar project and that he is concerned that heavy metals may leach into the soil for years to come. He suggests one could underline the whole project with some sort of impermeable barrier even though it does not seem to be good treatment for the land. He hopes the Commission does not approve the application primarily due to the water concern.

Mary Carol Ivie (12 Dorsey Street) said her family moved to the community of Dale City in Prince William County in 1973 and that the rural crescent was established in 1974 along the western border to preserve and protect the rural part of the county. She continued that the eastern part of the county including Woodbridge, Manassas, and Dumfries was designated for residential and commercial growth and that the rural crescent restricted water and sewer. She added the rural residential zoning allowed one house to 5 acres that was later changed to one house to 10 acres. She said the county slowly chipped away at the rural crescent and when Disney announced they were coming zoning allowances were made to permit water and sewer to build homes in the Gainesville and Haymarket area. She said this was done secretly by the Board of Supervisors under the guise of bringing revenue to the county. She continued that the need for grocery stores as driving 20 minutes to the closest one was unthinkable and soon a Target, Walmart, schools, and roads were needed to accommodate the urban sprawl. She said the development encroached on the dairy farms making it more difficult for them to find fields to grow hay and corn for the cows. She noted that the last dairy farm with five generations of the house family closed in 2022 and that the rural crescent is almost gone. She said data centers are threatening the remaining northwester section threatening the Manassas battlefield and surviving farms. She said people ask how this could happen. She said she moved to Clarke County to get away from that and now she is seeing the same thing happening

here. She asked to protect the green areas and to not let Clarke County turn into Prince William. She said she drives on Westwood Road regularly and is concerned about the potential traffic as she had some trouble with Rappahannock Electric trucks as the road is narrow.

Tia Earman (Piedmont Environmental Council Representative) said PEC has a long history of supporting solar as it is a cleaner more sustainable distributed source of energy which offers greater energy independence for farms and homeowners alike. She added that community and utility scale solar is an important piece of our overall regional community energy portfolio. She said our state grapples with unique challenges presented by the unprecedented energy needs of data center hub located in Northern Virginia. She said that while it is impossible to understand the energy demands of these businesses and the challenges it presents to PJM and our entire state and region to build out our energy infrastructure to accommodate them. She said PEC feels very strongly that this should not come at the sacrifice of our farmlands or irreplaceable prime agricultural soils. She continued that the Horus Virginia site has a high percentage of high quality soil on it and once it is gone, they are gone forever. She said they while they understand this ordinance for utility scale solar in Clarke allows for very few parcels of this nature, they do not like the precedent it sets and would encourage Clarke to embrace some restrictions on their ability to put on prime soils in the future. She said these soils are going to become even more important in the future as climate change continues to alter where our nation grows its food as we see our results in the west continue to dry up. She said we have a very unique amount of these soils located here.

Ms. Earman said in the sample photo on page 7 provided by the developer of the West Virginia solar project there are panels set very close to the ground and large amount of raw dirt. She said her concern is that the current ground cover on the Clarke County location that the sun-loving grasses are not going to hold up to the new shade underneath the panels and would encourage an arrangement to have more shade-loving native plants preferably pollinators to be added in order to prevent increased runoff from these panels.

Ms. Earman said they agree with the Sheriff's Office assessment that the construction entrance on Triple J Road will cause much more disruption to the residents and school buses. She continued that she saw social media posts just this week where several residents were commenting on it and they would not want to see that added to for an extended period of time.

Ms. Earman said the submission of a siting agreement and economic impact analysis is necessary. She said that if Clarke is to give up vital farmland since this project economic benefits to the county should be a priority and it would be inappropriate to move forward without ensuring an increased tax or revenue from this special use or another significant compensation.

Forrest Jones (1106 Crums Church Road) said he lives about one mile north of Route 7. He said that from what he understands from the north movement of water in this county that he will be in direct line of whatever heavy metal runs into the groundwater. He said he enjoys drinking water but not heavy metals. He also expressed that he is also concerned about the decommissioning plan. He said when he bought his property from apple orchard farmers that he bought it as is with some issues.

Mr. Jones noted the other item he wanted to mention is the money to be made when fracking is involved. He said everyone is content until it comes to pass that fracking destroys the local wells and creates issues where people have to move, get sick, and even worse die. He said he appreciates the good folks on this

body and asks that they remember as they proceed that as a resident he does not think it is a good idea to approve this.

Marianne Casey (958 Westwood Road) said she has water and construction concerns with this project. She said is familiar with the property and explained that it is full of rocks and that she cannot imagine what it is going to take to install the posts and hopes there will be no blasting. She said she is familiar with how the water flows in the area and noted there is a berm and retention pond requirement which indicates to her that waterflow is changing.

Ms. Casey said she shares traffic concerns and noted there is a lot of traffic on Westwood Road. Her main concern is future potential projects in the area and how the Commission plans to keep the doors closed. She said it pains her to think that this property is somewhat suitable for the project. She said she would consider this to be appropriate if there were not any additional plans for these projects anywhere else in the county.

Chair Ohrstrom asked Mr. Lawson if they could get all of the materials in a thirty-day period in addition to Commission comments. He said he thinks if panels are being moved around that DEQ may have to review the stormwater plan again which may take additional time. He asked if they might want to consider a longer deferral. Mr. Lawson said they are open and willing to provide additional time for Staff and Commission review. He added that the redraw is essentially a plug being moved from one side of the substation to the other but noted that it is going to be less site work. He said the DEQ permitting is already complete for the entire site. Chair Ohrstrom asked if they wanted to go ahead and defer to December 1st. Mr. Lawson replied yes.

Chair Ohrstrom asked if we required resistivity testing near the stormwater pond. Mr. Camp said the applicant provided a karst plan that was reviewed and noted that Staff will need to review the DEQ comments. Mr. Lawson said that can be done but that it should not be the full DEQ process that is already complete.

There were no questions or comments from the Commission.

The Commission voted 9-0-1 to defer SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant) / Bellringer Farm, LLC (owner) application and continue the public hearing to the December 1st Business Meeting.

Motion to defer SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant) / Bellringer Farm, LLC (owner) application and continue the public hearing to the December 1st Business Meeting:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	King	AYE
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	ABSENT
Glover	AYE (second)	Staelin	AYE

BOARD AND COMMITTEE REPORTS

4. Board and Committee Reports

Board of Supervisors (Terri Catlett)

Commissioner Catlett said the Board of Supervisors will be meeting at their work session to talk about legislative priorities. She said this is an annual discussion that prepares them to discuss priorities with their elected officials in November as they make plans to present their bills. Chair Ohrstrom asked about the process to which Commissioner Catlett said they send letters to everyone but they will meet after the election with the elected officials with the new superintendent, the Sherriff, Commonwealth's attorney will be included in the lunch as well.

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

Nothing to report.

Board of Zoning Appeals - BZA (Jeremy Camp)

Nothing to report.

Historic Preservation Commission – HPC (Bob Glover)

Commissioner Glover said the revised plan was denied by the HPC for the White Post garage. When asked by Chair Ohrstrom what happens next Commissioner Glover said it might have to be torn down. He said the process has been eye-opening to him as it has gone on for four or five years at this point. Mr. Camp said the application review process for the revision of the garage is in a state of deferral per the court order and that the fine should resume at some point. He said there is another court date where they may institute the fines that are in the current court order and that the property owner would need to pay those fines until the building was corrected, demolished, or designs a new plan. He continued that the property owner had thirty days in the court order to devise an alternate plan that was denied.

Conservation Easement Authority (George L. Ohrstrom, II)

Nothing to report other than the upcoming dinner reception on October 13th.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said information should be released before the end of the year.

OTHER BUSINESS

5. Resolution, 2016 Waterloo Area Plan

Mr. Stidham said the committee reviewed the plan and in light of the Sanitary Authority's recent utility master plan results and the sparse interest in developing the current commercial zoned properties in the plan area, it is appropriate to continue with the plan for an additional five years.

Chair Ohrstrom read the resolution aloud.

WHEREAS, the 2016 Waterloo Area Plan was adopted by the Board of Supervisors on December 20, 2016, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Waterloo Area Plan is an implementing component plan of the 2013 Clarke County Comprehensive Plan, and

WHEREAS, the Planning Commission adopted a resolution to initiate review of the Area Plan on November 5, 2021 and subsequently assigned the review to the Comprehensive Plan Committee, and

WHEREAS, the Comprehensive Plan Committee has determined that, for the following reasons, a comprehensive review and update of the Area Plan is not necessary as its guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan:

- The Clarke County Sanitary Authority’s recent Water and Sewer Utility Master Plan did not identify any changes in water and sewer capacity that would warrant consideration of modifying Plan Area boundaries.
- Demand for development at this business intersection has been less than originally anticipated in recent years.
- Traffic counts have only increased modestly since the original Area Plan adoption and have leveled off in recent years.

AND WHEREAS, the Comprehensive Plan Committee recommends continuing with the 2016 Area Plan for an additional five years.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission concurs with the Comprehensive Plan Committee that it is not necessary to continue the review and update of the 2016 Waterloo Area Plan as the guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Planning Commission shall conduct a future review and determine whether it is advisable to amend the 2016 Waterloo Area Plan no later than October 6, 2028.

Adopted this 6th day of October, 2023.

The Commission voted 9-0-1 to adopt the Resolution for the continuation of the 2016 Waterloo Area Plan for an additional five years.

Motion to adopt the Resolution, 2016 Waterloo Area Plan:			
Ohrstrom (Chair)	AYE (moved)	Hunt	AYE
Buckley (Vice-Chair)	AYE (seconded)	King	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	ABSENT
Glover	AYE	Staelin	AYE

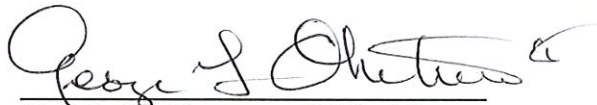
6. Projected Upcoming Agenda Items, October 2023-January 2024


Mr. Stidham said there are a few changes to the projected upcoming agenda items including two proposed text amendments for the Ordinances Committee to start working on. He said these items may need to be delayed until 2024 given the upcoming workload. He said the Commission is going to continue the discussion of solar power plants and see draft language in the November Work Session. He asked the Commission if they were comfortable with adding it to the agenda to schedule a public hearing at the November 3 Business Meeting for December 1st. He said the continued public hearing for Horus Virginia will also take place on December 1st and that the Transportation Plan will return to the agenda on the November 28th Work Session given the volume of proposed changes.

ADJOURN:

The Commission voted 9-0-1 to adjourn the October 6, 2023 Planning Commission Business Meeting at 10:00AM.

Motion to adjourn the October 6, 2023 Planning Commission Business Meeting at 10:00AM:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice-Chair)	AYE	King	AYE
Catlett	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	ABSENT
Glover	AYE (moved)	Staelin	AYE


 George L. Ohrstrom, II (Chair)


 Kristina Maddox (Clerk)