

2) *Adoption of Agenda*

- Add Item 5A: “Approval of Minutes: December 19, 2023 Regular Meeting”
- Add Item 11A: “Update on Friant Property Rezoning Request”
- Add Item 13A: “Resolution of Recognition and Appreciation for Geneva Brown Jackson (2024-01R)”

Supervisor McKay moved to adopt the agenda as amended. The motion carried by the following vote:

Matthew E. Bass	-	Absent
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

3) *Citizen’s Comment Period*

Hunter Nicole Dickinson of E Main St in Berryville

I am curious if you have heard anything about mycoremediation for landfills. US researchers test the ability of mushrooms to absorb and break down soil contaminants. Restoring contaminated soil by disaggregating toxic substances and basically solving the problem of disposal: this is the mission of mushrooms, the unsuspected leading players in an experiment that will hopefully set a new standard. “Our control soils, if you dig into it, it smells like oil,” says Alex Thomas, a University of Wisconsin-Stevens Point researcher involved in the study explained to a local radio station. Where mushrooms grew, however, the soil “came back smelling really clean—to me it almost smelled like baby powder. That’s an early indication that hopefully we’ll see some results.”

Mushrooms can feed on the organic compounds and break down the lignin that bonds them. Previous studies have shown that they not only remove the petroleum-based contaminants from the soil, but also break them down in such a way that even the mushrooms themselves are nontoxic. We wouldn’t want to eat them, but they can simply be composted back in to the now-clean soil.

This is just one study, but multiple studies have shown that the mushrooms can break down completely and are a better option for landfills.

Chairman Weiss

- Offered compliments to the Board, staff, and citizens for their efforts in making 2023 a good year for all. Projects like Double Tollgate, the Courthouse Green, and the planned Health & Human Services building progressed, and Fire & EMS has made some great strides. The county is making good progress on all fronts while keeping taxes low.

4) *Employee of the Quarter Award – 4th Quarter 2023*

Chairman Weiss presented the award to Annabella Vega and read aloud the following:

Ms. Vega never fails to greet customers and coworkers with a kind smile and a willingness to help. Her office is one of the busiest in the government center, and she manages it with such grace and efficiency that it looks easy. She meets even the most challenging customers and situations with unparalleled professionalism and respect. By frequently taking on additional tasks and duties without being asked, she regularly goes above and beyond her role as permit technician and office manager to keep the whole department running smoothly and on-schedule. Annabella's sunny disposition, rock-solid work ethic, and steadfast commitment to her co-workers make her a tremendous asset to the county and deserving of the title Employee of the Quarter.

5) *VDOT Update*

No update provided and no VDOT representative in attendance.

5A) *Approval of Minutes*

Vice Chair Catlett moved to approve the minutes of December 19, 2023 as presented. The motion carried by the following vote:

Matthew E. Bass	-	Absent
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

6) Board of Supervisors Organizational & Work Session Items from January 8, 2024

Board of Supervisors Organizational & Work Session Items
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611
January 8, 2024, 10:00 am, Meeting Room AB

Board Members Present: David S. Weiss, Matthew E. Bass, Terri T. Catlett, Beverly B. McKay, Doug M. Lawrence
Board Members Absent: None
Officer / Staff Present: Chris Boies, Catherine Marsten, Cathy Kuehner, Brandon Stidham, Sheriff Travis Sumption
Others Present: None
Press Present: Mickey Powell, Winchester Star

2024-01-08 Summary: At 9:38 am, Chris Boies, County Administrator and Clerk to the Board of Supervisors, called the meeting to order.

- A. Organizational Items:
 - Elect 2024 Chair

Mr. Boies called for nominations for Chair.

Supervisor Catlett nominated Supervisor Weiss to serve as the 2024 Chair.

Supervisor Lawrence moved to close nominations and elect Supervisor Weiss as the 2024 Chair. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Mr. Boies turned the meeting over to Chairman Weiss.

- Elect 2024 Vice Chair

Chairman Weiss called for nominations for Vice Chair.

Supervisor McKay nominated Supervisor Catlett to serve as the 2024 Vice-Chair.

Supervisor Lawrence moved to close nominations and elect Supervisor Catlett as the 2024 Vice Chair. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- Set Meeting Dates, Times, and Locations

Vice Chair Catlett moved to adopt the 2024 Board of Supervisors Meeting Schedule as presented. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- Adopt Rules of Procedure

Supervisor McKay moved to adopt the Rules of Procedure as presented. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- 2024 Chair Appointments

The Board heard a summary of which county boards, committees, and commissions that the Chair appoints a voting member to and which are assigned a liaison.

Chairman Weiss noted that he would finalize the 2024 Chair appointments and announce them at the January 16, 2024 meeting.

At 10:10 am, Chairman Weiss adjourned the meeting.

2024-01-16 Action: Chris Boies reviewed the above summary.

Chairman Weiss

- Announced that he would replace Vice Chair Catlett as the Board of Supervisors Liaison to the Historic Preservation Commission but the rest of the Chair appointments would remain the same.

7) *Board of Supervisors Personnel Committee Items from January 8, 2024*

A. Expiration of Term for Appointments Expiring through March 2024

2024-01-08 Summary: Following review, the Personnel Committee recommends the following:

- Reappoint Doug Lawrence to the Northwestern Regional Jail Authority for a four-year term that will expire December 31, 2027.
- Appoint Sheriff Travis Sumption to fill the unexpired portion of Sheriff Anthony Roper’s term on the Old Dominion Alcohol Safety Action Policy Board, which will expire on December 31, 2025.
- Appoint Sheriff Travis Sumption to fill the unexpired portion of Sheriff Anthony Roper’s term on the Old Dominion Community Criminal Justice Board, which will expire on December 31, 2025.
- Appoint Sheriff Travis Sumption to fill the unexpired portion of Sheriff Anthony Roper’s term on the Northwestern Regional Juvenile Detention Center Commission, which will expire December 20, 2024.
- Reappoint Bob Glover as the Planning Commission representative on the Historic Preservation Commission for a four-year term that will expire December 31, 2027.
- Reappoint Randy Buckley as the Planning Commission alternate on the Board of Septic & Well Appeals for a one-year term that will expire January 31, 2025.
- Reappoint John Staelin as the Planning Commission citizen alternate on the Board of Septic & Well Appeals for a one-year term that will expire January 31, 2025.
- Reappoint George Ohrstrom II as the Planning Commission representative on the Board of Septic & Well Appeals for a one-year term that will expire January 31, 2025.

- Reappoint Jenny Irwin as the citizen representative on the Board of Septic & Well Appeals for a four-year term that will expire February 15, 2028.
- Recommend to the Circuit Court the reappointment of Alain Borel to the Board of Zoning Appeals for a five-year term that will expire February 15, 2029.
- Recommend to the Circuit Court the reappointment of Laurie Volk to the Board of Zoning Appeals for a five-year term that will expire February 15, 2029. Recommend to the Circuit Court the reappointment of Philip Shenk as alternate on the Board of Zoning Appeals for a five-year term that will expire February 15, 2029.
- Appoint David Ash to fill the unexpired portion of Chris Bates’ term on the Community Policy & Management Team, which will expire December 31, 2026.
- Appoint Bisma Sheikh to fill the unexpired portion of Linda Bodkin’s term on the Northwestern Community Services Board, which will expire December 31, 2024.

2024-01-16 Action: Chris Boies reviewed the above summary:

- On January 9, the Town of Berryville recommended the appointment of Nancy Merriman to replace Ronnie Huff as the Town of Berryville representative on the Parks & Recreation Advisory Board for a four-year term that will expire December 31, 2027.

Supervisor McKay moved to approve the Personnel Committee recommendations as presented. The motion carried by the following vote:

Matthew E. Bass	-	Absent
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

8) *Board of Supervisors Finance Committee Items from January 8, 2024*

- A. Budget Calendar As a reminder, the budget process begins on January 10 with a joint meeting of the School Board Finance Committee.

2024-01-08 Summary: The Finance Committee reviewed the budget calendar.

2024-01-16 Action: Chris Boies reviewed the above summary:

- The Finance Committee met with the School Finance Committee on January 10 for an initial discussion on the school board budget.

Chairman Weiss

- Clarke’s composite index increased from \$0.57 to \$0.60, meaning that the county is supposed to be able to pay \$0.60 on every dollar of school funding. Following the Governor’s budget, this would create a deficit of approximately \$600,000.
- The state has established a good program to help children overcome learning and social skills delays created by the pandemic. However, this program is costly. Other counties received millions for this program, while Clarke’s allotment was \$300,000. Program materials alone cost around \$240,000. The state has mandated this program but is not funding it; the county will have to use local tax dollars to meet these standards.

Supervisor Lawrence

- Asked for clarification on the composite index.
 - Chris Boies explained that the composite index is a complex formula that examines a locality’s ability to pay. One factor used in this calculation is county citizen income levels, which is problematic because the county is not able to tax resident’s income. The county has argued for years that this calculation is flawed, considering that one of the richest counties in the country, Loudoun, pays less to local school funding than Clarke. Winchester and Frederick County’s composite index are \$0.41. Staff is reviewing the calculation process and requesting explanations from the Department of Education.

Vice Chair Catlett

- Noted that the Governor’s budget does not currently include any raises for teachers or staff.

B. Bills and Claims

2024-01-08 Summary: Following review, the Finance Committee recommends approving the December 2023 Invoice History report.

2024-01-16 Action: Chris Boies reviewed the above summary.

Vice Chair Catlett moved to approve the December 2023 Invoice History Report as presented. The motion carried by the following vote:

Matthew E. Bass	-	Absent
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

C. Standing Reports

- a. Year to Date Budget Report
- b. Reconciliation of Appropriations
- c. Capital Projects Report

2024-01-16 Action: Information Only.

9) *Joint Administrative Services Board Update*

Chris Boies advised the following:

- The Joint Administrative Services Board will meet on January 22, 2024.
- Staff continues to work to resolve two outstanding issues with Benefit Plan Administrators (BPA).

10) *Government Projects Update*

Chris Boies provided the following update:

- Thanks to the Maintenance Department's excellent work plowing and shoveling snow this morning, all county facilities were ready to open on time.
- Mary Meredith submitted her resignation to the Sanitary Authority earlier today. She provided great service to the Authority during her tenure and will be missed. Her last day will be February 9 and staff will be getting the position posted and advertised soon.
- The engineering firm has submitted the as-builts for Jack Enders Boulevard, so the county's to-do list has finally been completed on that project.
- If the Board votes tonight to remove the Fire & EMS Commission, the Fire & Rescue Joint Agreement will need to be updated.

11) *Miscellaneous Items*

A. Update on Friant Property Rezoning by Brandon Stidham

- The town’s Planning Commission has a public hearing scheduled for January 23.
- Town staff reports that they are still working with the applicant to resolve outstanding questions.
- Apparently, the applicant has now secured an agreement to cross the Bel Voi property; town staff is awaiting documentation. A transportation plan for the neighborhood is critical to determine if they are able to access additional dwelling units.
- Staff believes that the storm water issues have also been resolved.

Chairman Weiss

- Noted that the Board of Supervisors is in an odd position. The property is in the town, because they annexed it, but citizens still reach out to the Board on the issue. Local traffic is a big concern. If approved, the number of houses planned would require the county to reopen the Cooley Upper Campus, which would cost millions.

Supervisor McKay

- Observed that the area is rocky, swampy, and environmentally sensitive due to karst and opined that it is not an area that is suitable for that much development.

12) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes	Catherine Marsten
2.	Execute appointment letters	David Weiss
3.	Process appointments	Catherine Marsten
4.	Process Employee of the Quarter award	Catherine Marsten
5.	Execute approved resolution	David Weiss
6.	Process approved resolution	Catherine Marsten
7.	Process approved text amendments	Catherine Marsten
8.	Process bills & claims	Brenda Bennett

13) Board Member Committee Status Reports

Supervisor Doug Lawrence

Board of Social Services

- Meets January 17.

School Board

- Nothing to report.

Regional Jail Authority

- Nothing to report.

Broadband Implementation Committee

- The recent staff report from the Northern Shenandoah Valley Regional Commission did not provide any update on the All Points Broadband project.

Vice Chair Terri Catlett

Career and Technical Education

- Has not met.

Historic Preservation Commission

- Has not met.

Clarke County Humane Foundation

- Meets January 31.

Village of Millwood

- Community is still discussing plan for speed tables.

Planning Commission

- Public hearing for proposed solar facility on the Horus project was continued to February.
- The camping regulations text amendment will go back to committee.

Community Policy & Management Team

- Continuing discussions on providing services to children in need.

Supervisor Bev McKay

Town of Boyce

- Nothing to report.

Northern Shenandoah Valley Regional Commission

- Has not met much recently; will meet January 18.

Regional Airport Authority

- Nothing to report.

Economic Development Advisory Committee

- Meets January 17.

Conservation Easement Authority

- Annual awards luncheon will be February 9.
- Working on two large easements that are quite complex.

Sanitary Authority

- Effigy installed on the Boyce water tower has reduced the number of birds.
- Trying to budget for repairs and maintenance at the treatment plant.

Berryville-Clarke County Joint Building Committee

- Some uneven sidewalk sections may need to be repaired.
- The parking lot will need to be resealed in the future.

Supervisor Bass entered the meeting at 1:51 pm.

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Meets January 29.

Library Advisory Council

- Alison Waddell is new Clarke County Branch Manager.

Litter Committee

- Next meeting in February.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- General Assembly is in session.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Has not met.

Northwestern Regional Juvenile Detention Center Commission

- Clarke's percentage is very small.
- Need to budget for significant roof and HVAC work.

Sheriff's Office

- Sheriff Sumption is settling into new role well.

Town of Berryville

- Update on rezoning application already given.

Parks and Recreation Advisory Board

- Tracy Smith elected Chair, Mitch Hoff elected Vice Chair.
- Discussed upcoming budget, which could be affected by potential minimum wage increase.

Chairman David Weiss

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Meets January 26.

Fire/EMS Commission

- Final outcome will be decided at the evening session.

Industrial Development Authority

- Meets January 25.

At 2:11 pm, Chairman Weiss recessed the meeting.

At 6:30 pm, Chairman Weiss reconvened the meeting.

13A) *Resolution of Recognition & Appreciation for Geneva Brown Jackson (2024-01R)*

Supervisor Lawrence moved to adopt the Resolution of Recognition & Appreciation for Geneva Brown Jackson (2024-01R) as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chairman Weiss read the resolution aloud:

Clarke County Board of Supervisors



Berryville Voting District
Matthew E. Bass
(540) 955-5175

Millwood Voting District
Terri T. Catlett – Vice Chair
(540) 837-2328

Russell Voting District
Doug Lawrence
(540) 955-2144

Buckmarsh Voting District
David S. Weiss – Chair
(540) 955-2151

White Post Voting District
Bev B. McKay
(540) 837-1331

County Administrator
Chris Boies
(540) 955-5175

Resolution of Recognition and Appreciation for Geneva Brown Jackson 2024-01R

WHEREAS, Geneva Brown Jackson was born in White Post, Virginia, on Nov. 3, 1933, the third of 10 children; and she began her life of service to others after her mother’s death, when young Geneva stepped into the role of caregiver to her siblings; and

WHEREAS, Geneva began working as a domestic for a Clarke family while she was still in high school, honing her cooking skills; and

WHEREAS; after marrying and moving to Josephine City where the Jacksons raised their five children, Geneva joined the Josephine Improvement Association to help her neighborhood; and

WHEREAS, Geneva then began serving – often as a board member – other local non-profit organizations, including FISH of Clarke County, Help With Housing, American Cancer Society, AIDS Response Effort, Blue Ridge Hospice, and The Laurel Center shelter for abused women; and,



WHEREAS, Geneva has served as a Clarke County Officer of Elections since 1990; and

WHEREAS, Geneva is a renowned cook who worked as a caterer for many years – her license plate “GJ Cooks” announcing her arrival – she also amassed more than 500 ribbons at county fairs for her baking, canning, and needlework and, as a certified food judge, she has handed out many ribbons, too; and

WHEREAS, she sold her baked goods at the Clarke County Farmers’ Market for 21 years and continues to raise money for The Laurel Center by judging an annual pie-baking contest at the market; and

WHEREAS; of her life of service Geneva simply says, “Volunteering is like paying rent to live on this Earth.”

NOW, THEREFORE the Clarke County Board of Supervisors does hereby express its deepest gratitude by honoring Geneva Brown Jackson for sharing her many extraordinary talents and boundless love with our community for the past seven decades.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors’ members assembled on the 16th day of January 2024.

Attest: 2024-01R

David Weiss, Chair


www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175

14) *Public Hearing: Solar Power Plant Use & Regulations Text Amendment (PH2024-01:TA23-01)*

Planning Director Brandon Stidham presented the following:



**Clarke County Board of Supervisors
January 16, 2024 Meeting**

Public Hearing

- **TA-23-04**, Solar Power Plant Use and Regulations

TA-23-04, Solar Power Plant Use and Regulations

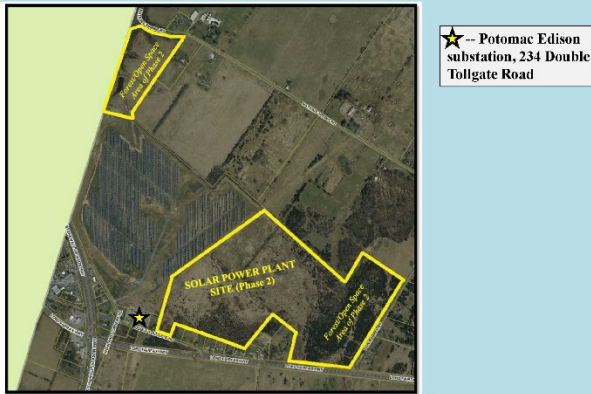
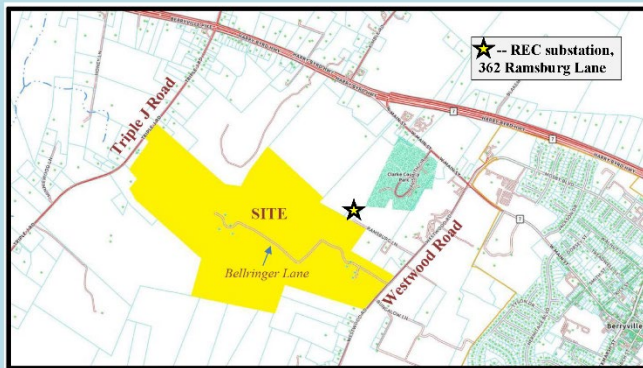
- Proposed text amendment to amend the use regulations for “solar power plant” per Section 5.2C (Business Uses) of the Zoning Ordinance.
- The amendment modifies the location restriction in Use Regulation 1 to state that solar power plants must be located adjacent to and all facilities located within one mile of the electrical substation located at 234 Double Tollgate Road (Tax Map #27A-4-D) or the electrical substation located at 362 Ramsburg Lane (Tax Map #13-A-62A).
- The term “behind-the-meter” solar is also clarified to include onsite consumption of solar-generated electricity and incidental resale through a net metering program.

Background

- **Solar power plant:**
 - Utility-scale commercial facility that converts sunlight to electricity
 - Business use allowed by special use permit (SUP) and site development plan approval in the AOC District with specific siting regulations
- Does not include “behind-the-meter” solar energy systems
- **Behind-the-meter system:**
 - Solar energy system that is designed for onsite consumption of solar energy with potential resale of excess energy back to the service provider (“net metering”)
 - Typically connect directly to power lines and does not require connection to an adjacent substation.
 - Residential solar energy systems are considered to be behind-the-meter

Background (cont.)

- **Siting regulations for solar power plants are set forth in Use Regulation 1:**
 - Must be located adjacent to and all facilities located within one mile of a pre-existing electrical substation of 138kV or higher voltage
 - 2 existing substations -- Potomac Edison substation (234 Double Tollgate Road) and Rappahannock Electric Cooperative substation (362 Ramsburg Lane)



Background (cont.)

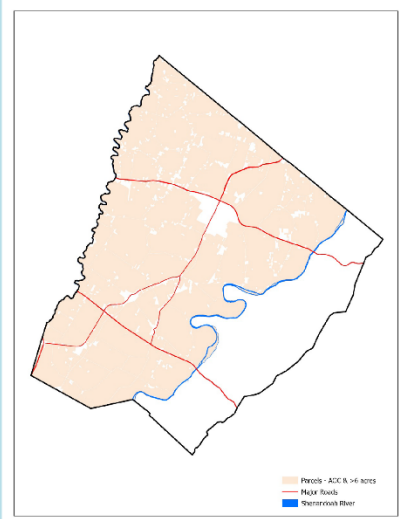
- Under current rules, a solar power plant could be developed adjacent to a future substation of 138 kV or higher.
- Substations are considered to be a “public utility facility” and require SUP and site development plan approval in the AOC District.
- A future substation must be approved by SUP and site development plan, constructed, and operational **before** an application to construct a solar power plant adjacent to it may be accepted and reviewed.

Background (cont.)

- **July 18, 2023 – Board of Supervisors adopted a resolution to initiate consideration of a text amendment with the following changes:**
 - Prohibit the development of any new solar power plants.
 - Preserve solar power plants in existence or with zoning approval as conforming uses with ability to expand within one mile of the pre-existing substation which originally qualified the plant for development.
 - Protect ability of landowners to use behind-the-meter solar for onsite use and incidental resale of excess power to service providers.

Background (cont.)

- **Board's concerns:**
 - Solar developers and some landowners want the current regulations relaxed to allow solar power plants to be constructed in other parts of the County.
 - Loss of farmland due to conversion to nonfarm uses including solar power plants.
- **Clarke County is the 8th smallest county in the state**
- **AOC-zoned lands are approximately 73% of the county land area**
- **Comprehensive Plan Goal 1:**
Preserve and protect the agricultural, natural, and open-space character of unincorporated areas



Background (cont.)

- **Current and proposed solar power plants:**
 - Hecate Energy Phase I (10MW, 105 acres) – Existing facility
 - Hecate Energy Phase II (10MW, 118 acres) – Zoning approved but facility has not been constructed
 - Horus Virginia I (50MW, approximately 400 acres) – SUP and site development plan applications in process and under review

Proposed Text Amendment

- Use regulation 1 would be strengthened by allowing only those solar power plants which are adjacent to and all facilities located within one mile of the two substations currently in existence:
 - Potomac Edison substation (234 Double Tollgate Road)
 - Rappahannock Electric Cooperative substation (362 Ramsburg Lane)
- Solar power plants would not be approved if proposed adjacent to future substations of 138kV or higher voltage

Proposed Text Amendment (cont.)

- Existing and currently proposed solar power plants would comply with the changes to Use Regulation 1:
 - Hecate Energy Phase I
 - Hecate Energy Phase II
 - Horus Virginia I
- These facilities would be considered **conforming** uses rather than nonconforming uses – could expand without being restricted by nonconformity regulations

Proposed Text Amendment (cont.)

- A definition for “behind-the-meter” is added to Use Regulation 1.
- Specifies that behind-the-meter solar includes the onsite consumption of electricity generated by solar panels and the incidental resale of excess electricity to an electric service provider through a net metering program.
- Meets the Board’s objective of preserving behind-the-meter solar as an option for County landowners.

Proposed Text Amendment (cont.)

- The size of behind-the-meter solar systems is not specifically limited by the Zoning Ordinance.
- Community-scale solar – Emerging concept in which larger behind-the-meter systems (up to 5MW) provide onsite power and re-sell excess power to the grid.
- Electric service providers currently cap the amount of electricity that can be re-sold from behind-the-meter systems.
- State regulations are limited in requiring service providers to increase or remove their caps.

Proposed Text Amendment (cont.)

- **Community-scale solar could allow multiple landowners to share in the production of solar energy without committing their entire properties to utility-scale solar.**
- **1MW solar requires on average 5-10 acres of land:**
 - 50MW solar power plant = 250-500 acres in solar
 - Community-scale solar with 5MW cap per lot = 10 lots each with 25-50 acres in solar
- **Community-scale solar could allow farmland to remain in production with solar for onsite use and re-sale to the grid without loss of entire farming operation for 25 or more years.**
- **Concept will continue to be studied and discussed in conjunction with the Planning Commission's development of the new Rural Lands Plan.**

Staff Recommendation

- **Staff has no outstanding concerns with the adoption of this text amendment.**
- **Staff recommends the Board conduct the advertised public hearing and take action on the text amendment.**

Vice Chair Catlett

- Asked if the text amendment would apply to state and federal lands.
 - Brandon Stidham explained that any property owned by the state or federal government is exempt from local zoning regulations.

County Administrator Chris Boies presented the following:

- A large, utility-scale solar plant requires a substation to operate. Such a facility does not mesh well with the county's current Comprehensive Plan, which prioritizes preserving agriculture and open space in the county. Utility providers maintain that, for security reasons, these facilities may not be screened from view.
- The county has a potential solar portfolio of 70MW, if all solar projects are built out as proposed. Conservative numbers suggest that this portfolio could power ten to fifteen thousand homes. Currently, there are about 6500 residential units in the county. These numbers do not include private individuals who are installing solar in their backyards or homes.
- Rockingham County, which is one of the highest agriculturally producing counties in the state, calculated the amount of land that they will allow utility-scale solar on, based on the statewide solar goals and the proportionate

amount of land in their county. When that cap is reached, they will no longer allow utility-scale solar on agricultural land.

- Most data sources show that residential, commercial, and industrial sectors have flat or reduced energy consumption levels. The driving force behind energy demand in Virginia is data centers. Statistically, one data center consumes the energy required to power 15,000 homes. Similar to the issue of nutrient credit banks, things happening in other localities are threatening agricultural land in Clarke County.
- This Board is environmentally conscious and is not against renewable energy. This Board is concerned about losing valuable agricultural land, which is in limited supply and is a finite resource.

Chairman Weiss opened the public hearing at 7:01 pm.

John Engels of Dearmont Hall Lane in White Post

We will soon be hearing a lot of misrepresentations about solar power development in Clarke County over the next few months. In my opinion, we are fighting for the soul of the county and its rural, agricultural traditions. Solar farms offer minute and only temporary financial gains for the county, but they permanently ruin land for other productive uses.

The one million solar panels being proposed for 450 acres of prime agricultural land on the Audley farm will not be agrivoltaic as the developer falsely promises. Actually, the developer has never built an agrivoltaic project. The developer's name is Urban Grid. The last thing that we want in Clarke County is a solar urban grid.

The amendment allows existing solar farms to continue and new ones to be built. It imposes reasonable limitations on new projects. Without these reasonable checks on uncontrolled development, we risk losing what this county has worked so hard to preserve. There will be more solar in Clarke County, but it needs to be at a reasonable scale. If you want to see what uncontrolled solar farm development does, drive up the road to see what is going on in West Virginia. It is a horror show of solar strip development, just like what is being proposed by greedy developers in Clarke County. Therefore, I urge the Board of Supervisors to adopt the proposed amendment.

Bob Stieg of Bishop Meade Road

I manage a 360-acre farm in Clarke County. I've worked closely with the extension service and experts at Virginia Tech on the possibility of installing agrivoltaics. What has been largely assumed here is that any form of solar generation automatically excludes agriculture. That is not the case.

Agrivoltaics is the layering of solar generation over agricultural production, whether that be cropland or pasture land. What bothered me about the text amendment is that it absolutely prohibits future development on farms of solar generation without distinguishing between solar generation that excludes agriculture, like Double Tollgate, versus solar generation that combines with agriculture production.

This county's stated policy objective is to maintain as much agricultural and open-space land in the county as is possible. An objective that I thoroughly support. As farming changes and the economic pressures on farmers and owners of producing agricultural land grow, agrivoltaics, which combine production farming with solar generation, is one of the practices that our university agriculture programs and the extension service are asking farmer to consider. Agrivoltaics are part of the future of farming, in part because it is a practice that can provide a farmer with some steady income to balance the uncertainties of commodity prices.

The proposed text amendment, because it does not distinguish between solar generation which removes land from agricultural production from solar generation which combines with agricultural production, effectively prohibits this farming practice. It also limits the options for the very farmers in Clarke whose land we want to keep in agricultural production.

My request is that the county staff and the Planning Commission support Clarke farmers by consulting with the appropriate experts at the college of agriculture at Virginia Tech and in the extension service about defining and including the practice of agrivoltaics in our ordinance.

Rob Propes of Pleasant Place

I am a Senior Development Manager with Urban Grid, the company Audley Farm has engaged to help them explore a solar facility on a portion of their property. I am here this evening to offer some brief comments on the proposed draft language that would amend the solar ordinance.

Urban Grid has been working closely with Audley Farm for over a year to explore the feasibility of a solar project utilizing approximately 15% of the Audley property. When we began our work with Audley, we were aware that a solar project did not meet the existing requirements of the solar ordinance. Our thought was that, if we could develop a project that would continue to use the land for agriculture, design it so there was little to no impact for the surrounding community, and work closely with the neighbors, that Clarke County would be willing to work with Audley to permit a project that we believe is a win for Audley, a win for the environment, and a win for county taxpayers.

Much to our surprise, as we gained broad support from the surrounding community, the Board passed a resolution this summer directing the Planning Commission to

modify the solar ordinance; essentially prohibiting any future solar projects other than the proposed Horus Virginia I.

I have been asked repeatedly by folks in the community why the county would want to close the door on a landowners desire to use their land for solar. My reply is that I don't have a really good answer. A few of the reasons that I've heard for proposing this amendment include a concern that the solar would displace farmland, that there would be more solar projects than the county would like to see, and that Clarke County has already done its fair share of solar projects.

With regard to the utilization of farmland, this is an easy concern to remedy. The county can simply require proposed projects to incorporate agrivoltaics into the use. This could be in the form of growing crops or grazing animals. Such a requirement is no different than a requirement to plant and maintain a vegetative buffer. If the requirement is not met, the permit could be revoked. With respect to the concern that there will be too many new projects sited in the county, again, this is easy to prevent as the Board already has the authority to approve or deny any development that they believe is not in the best interest of the county. The third argument that the county has done its fair share of solar fails to consider the rights of landowners to use their property responsibly and the fact that we operate in a free market economy. Like any other farm product, solar energy is a commodity that, when sold, provides a benefit to the landowner, the owner of the project, and benefits the county in the form of property taxes.

When one considers that solar energy is a domestic source of clean energy, provides a source of income for farmers, and provides tax revenue to the county, it is hard to understand why the county would not want to at least leave the door open to evaluate well-sited projects that are hidden from view and operate quietly.

Joe McGlynn of Lord Fairfax Hwy in Berryville

I'm going to be very brief. I'm here largely to voice concern about the changes regarding the solar amendment for a couple reasons. One being that I've noticed a trend, since I moved here a year ago. When economic proposals come forward, all of a sudden we start adapting, as we should block them. I think it is a good source of revenue for the county, as you all know we are a small county. I used to work on a farm so I support farmers but, as we heard, it is a tough time for farmers. This would give us revenue. I don't hear a plan for how we are going to get revenue. That is kind of a major concern for me. I do not like things that just block things right out. It seems to me that there should have been more consideration, more outreach to other experts. I'm not saying go 100% with solar; I don't want this to be over-developed. But it is something that is a real concern for me. We hear all the time that we don't have enough revenue, we're a small county. I just read an article that we have turnover in the Sheriff's Department, we don't have enough tax revenue—

that was actually in the Winchester Star, those exact words. So, if that's the case, then why are we blocking revenue generating projects? That's my major concern with this. I look forward to seeing what we intend to do to gain revenue for the county and what other sources so that we can pay our first responders appropriately and expand our revenue.

Fred Wenzel of Featherbed Road in White Post

I just want to start by saying that years ago we opposed a solar farm in White Post. Contrary to the assertions of some, I do not believe there is widespread community support for solar projects in Clarke County. For example, in White Post, the vast majority of residents who showed up to the meeting at that time were opposed to the solar farm.

The current push for solar is fueled by a 26% solar tax credit. Most solar companies are very new and solar company bankruptcies have ballooned over the past few year, due to lower panel cost, rising interest rates, and poor management. When these tax credits dry up, where will these companies be? Will they be there when the panels need to be replaced or remediated? Are they trustworthy partners for the future of our county?

Setting up large-scale solar farms necessitates the clearing and grading of massive land areas and compression of soils. New data has come out recently about these toxic chemicals that are in the solar panels. For example, a recent study showed that, contrary to previous assumptions, pollutants such as lead and carcinogenic calcium can be almost completely washed out of the fragments of the solar modules over a period of several months by rainwater leaching into the soil. As the Piedmont Environmental Council recommends, prime farmland should never be used for solar installations. The only viable solution may be choosing locations of low value such as wastelands, brownfields, and disused mines. It also leads to destruction and fragmentation of wildlife habitats. The carbon benefits are very questionable, given the energy-intensive nature of making these panels. 95% of them come from China, who is one of our biggest geo-political adversaries at the current time. Do we really want our tax money and subsidy going to China?

The remediation is also a big issue. These solar installations are supposed to have a thirty-year lifespan but, in reality, we are seeing much shorter lifespans. At \$20-\$30 to recycle a panel versus only \$1 to \$2 to stuff them into a landfill, they will all end up in the landfills, if the landfills even take them. Because there are hazardous materials in these panels, a lot of landfills don't want to take them and you even need a hazardous materials permit to take them down in a lot of districts. So, basically, the volume of waste is going to be ballooning from these solar panels with nowhere to put them. Which landfill is going to take them?

The motto of our Easement Authority is “Keep Clarke County Green” and I’d recommend the Board do just that.

Tia Earman of Brookdale Lane in Round Hill

I am speaking on behalf of the Piedmont Environmental Council. We have been following this text amendment for the last several months. I submitted a letter to the Planning Commission a few months ago; it provides a lot more detailed input.

The PEC has been very supportive of the development of renewable energy sources like solar for the past several decades. It is an important piece of building a cleaner, more sustainable energy portfolio for Virginia. We fervently believe that and we know that citizens, businesses, and, most notably, agricultural operations, can achieve more clean, cost effective energy solutions by pursuing solar power options.

We are happy this text amendment continues to strongly support behind the meter solar for Clarke’s businesses and citizens and supports our efforts to increase the community-scale solar as our Dillon Rule state allows.

We are living through an unprecedented period of explosive growth in energy demands. Even as household energy requirements become increasingly smaller, thanks to efficiency, the sharp increase in our power grid is solely the result of the data center industries centered in Northern Virginia. It is difficult to really comprehend the amount of power that we are talking about. I spoke last week on the Belmont Innovation Campus currently under review in Loudoun County. This is a single campus that will use over 500MW of power on one location. That is enough power to run more than 375,000 homes – at a single site in Loudoun County. The pressure is on rural localities, like western Loudoun and Clarke, to accept utility-scale solar projects on their farmland in an effort to meet this ever-increasing energy demand. Sacrificing farms and high-quality agricultural soils for solar fields is not sustainable or prudent.

When it comes to zoning ordinance that truly support a truly sustainable, agriculturally based region, Clarke County is the gold standard. When it comes to building an agriculturally-based economy, Clarke does it better than anyone else in the region and PEC is happy to continue to help and advise in these efforts. If more adjustments are to be considered, language that prioritizes the protection of prime agricultural soils is a quantifiable addition that we would recommend. While there may be a future for agrivoltaics which finds a path in balancing the insurance requirements of large companies owning equipment on farmland – as a cattle and sheep producer myself, I know how animals treat equipment – that may be possible, but I have not seen meaningful steps towards bridging that gap in a large way.

As Richmond begins to step into the fray with newly-filed House bill 636 seeking to strip localities of their authority over such projects, we encourage you to not only complete this text amendment but also to reach out to your state legislators to

discuss concerns about the rural future for our region and the nature of one-size-fits-all regulation from Richmond in a Commonwealth as diverse as Virginia.

Anthony Viti of White Post

I support the Board supporting this amendment. I think back to when I was a little boy I learned how to dial a rotary phone and now my whole life is connected to this thing in my pocket. I think something down the road would be better and more efficient for producing electricity. Why waste the farmland, because who is going to be responsible for these panels later on?

Randy Buckley of Edgewood Lane in White Post

I would like to thank you for considering the proposed text amendment. I am not opposed to solar but believe that we should err on the side of caution where utility-scale solar developments are concerned. We have long prided ourselves on being smart growth, and this text amendment is smart growth. Clarke County has a long history of opposing high-voltage transmission lines—power towers, you might call them. It would seem a bit counter-intuitive to now want to generate the electricity that such towers are necessary to convey.

Solar power should be generated where it is used. It is my opinion that solar facilities should be placed on surfaces that are already impervious: over parking lots, on commercial industrial buildings, etc. Please ask our legislators to incentivize or promote these types of solar development. I'd like to close by reading you a resolution that was adopted by delegates to a statewide agricultural organization just this past December. It reads: "We believe more studies should be done on the impact that utility-scale solar energy has on agriculture, and the potential environmental impacts and lifecycle costs for the manufacture, disposal, reuse, or recycle of material inputs, before any additional projects are approved on agricultural lands."

Chairman Weiss closed the public hearing at 7:23 pm.

Supervisor Bass

I agree with the general proposition that we ought to see places in Northern Virginia, like data centers and large-scale commercial buildings, taking on solar projects. I am intrigued by the community-scale solar idea and am looking forward to hearing more about that. I am also intrigued, at a very basic level, by the idea of agrivoltaics. Not being a farmer and not having lived next to a farm in many years, it is hard for me to envision exactly how that would work but I am open to learning more about that. I also have questions about the concerns that have been addressed tonight, including the lifespan of these types of utility-scale projects. We may be at a time right now

where we do not really know what that looks like. It seems that there is some disagreement and lack of consensus among the scientific community, agricultural community, and society at large about what large-scale solar plans ultimately mean for the communities, the environment, and viable farmland.

Supervisor McKay

I have read many farm magazines and newsletters and have not gotten anything from the Virginia Tech extension service on agrivoltaics. Sheep do not have a very high market value: in the last few weeks, the Winchester livestock exchange sold 88 sheep and thousands of head of cattle. Keeping solar panels clean is important and livestock draw a lot of flies. It is very difficult to keep facilities clean when they house livestock. There would also be two things fighting for the sunlight. The panels would need to be very high in the air to be able to fit machinery under them, which would create other problems for maintaining them. Then, the crop underneath may not produce well because it does not receive the sunlight. Why is there no excitement about putting solar facilities in areas where there are a lot of data centers already?

Vice Chair Catlett

Clarke County is participating in utility-scale solar, though not all of it is built out yet. Citizens have the ability to use solar behind the meter. I think that energy in Virginia is evolving so much: there are more hyper-scale data centers in Loudoun County than there are in China in Europe. With such a huge energy demand so close, it would be good to see some incentives from the state to put solar facilities on parking lots and the like. I commend the Planning Commission and staff for putting work into understanding this subject and exploring some of these ideas and for continuing to work on it.

Supervisor Lawrence

I would rather the county not farm the sun for Northern Virginia. We have limited amount of land here and we have built what we have through sliding-scale zoning and it does not need to be gobbled up by the energy that data centers need in Northern Virginia. The only reason that solar is lucrative right now is the tax dollars, which is not a good long-range plan. As for the landowner's rights to make money on their property, the solar project applications so far have come from absentee landowners, not from farmers who actively work their land.

Chairman Weiss

For me, it is a land use issue and always has been. I was on the Board in 2010 when we created this use and I raised concerns at the time about competition for rent, the loss of farmland, and that it would eventually become a competition against farming. Unfortunately, all of those things have come true. However, I recognize the need for some portion of our energy grid to be solar. I think it has been clear from the

discussion tonight that we will be producing more than enough energy to take care of Clarke County, even if it does go into the grid. The fact that we have done our share is a valid and important point. To my mind, when the county adopted sliding-scale zoning, the landowners and citizens took on the negative economic impact. At the time, everyone thought that land values would crash or stay the same. The Board and citizens said that farming and the land were more important than money. In the end, that is not the case because supply and demand has made land very valuable. As our easement program has shown, we have a way of saving farmland while providing money to farmers. We can continue to do that. Objective one is to preserve and protect and large-scale solar degrades and destroys. The Planning Commission has thought about this in great detail and has consulted with many experts. This is not a knee-jerk reaction, it is a concern that we have had for many years. The county is in a solid financial position and has lowered taxes three times in the past seven years. We do not need to be drawn in by the carrot of these types of subsidy payments that would do more damage to our community than it would benefit our tax coffers.

Supervisor Lawrence moved to approve the Solar Power Plant Use & Regulations Text Amendment (TA23-01) as presented and effective immediately. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

15) Public Hearing: Clarke County Code Chapter 17 – Fire, EMS, & Emergency Management Text Amendment (PH2024-02:CC2024-01)

Chris Boies presented the following:

- Clarke operates a combination fire & rescue system, which means that paid county staff and volunteers respond to calls together. The county has 16 full time employees and the volunteer companies own the three stations and apparatus, with financial support from the county.
- The Board of Supervisors is legally responsible for Fire & EMS service within the county. In a combination system, it is important to have coordination, communication, and a governance structure for decision-making. Volunteers and career staff need to be on the same page about everything.
- In 2014, the system desired to have a high-level planning group (the Fire & EMS Commission) to provide oversight to the system.

- Over the last couple years, only two of the three volunteer companies participated in the Commission. Staff worked with the companies to develop a governance structure that all three companies would participate in.
- This structure is the Fire & Rescue Advisory Group (FRAG). For the past year, the FRAG and the Fire & EMS Commission have operated at the same time, because the Commission was not ready to dissolve until they were sure that the FRAG would work. At this point, all three companies are participating in FRAG meetings and the group is collaborating and working effectively.
- At their December meeting, the Fire & EMS Commission voted to recommend to the Board of Supervisors that the Commission be disbanded.
- This public hearing is to consider amending Chapter 17 of the Code of Clarke County by removing the sections related to the Fire & EMS Commission. There is also one technical correction to the code as it relates to the county’s billing for transport when the call originates outside of the county. This change follows current practice.

Chairman Weiss opened the public hearing at 7:45 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 7:45 pm.

The Board offered compliments to staff and the volunteer companies for their considerable efforts and shared their views that responding to feedback and preserving the combination system is paramount. The FRAG operates more efficiently and according to the stated desires of the various stakeholders, and transparency regarding the expenditure of public funds remains. The Board sincerely thanks all of those who served on the Commission and who have worked in that system.

Supervisor Lawrence moved to approve the changes to Clarke County Code Chapter 17 as amended by also removing “whose points of origin is within the boundaries of Clarke County” from §17-11(D). The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

16) *Adjournment*

Chairman Weiss adjourned the meeting at 7:56 pm.

17) *Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, February 20, 2024, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 16, 2024

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten