

# Clarke County Planning Commission

MINUTES – Business Meeting

Friday, January 5, 2024 – 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)	✓
Buster Dunning (White Post)	✓	Ryan Reed (Buckmarsh)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

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

**OTHERS PRESENT:** None.

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

## 1. Approval of Agenda

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

Motion to approve the January 5 <sup>th</sup> Planning Commission agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Lee	AYE
Catlett	AYE	Malone	AYE (moved)
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

## 2. Approval of Minutes

A. November 28, 2023

The Commission unanimously voted to approve the November 28, 2023 minutes presented by Staff.

Motion to approve the November 28, 2023 minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Lee	AYE (moved)
Catlett	AYE	Malone	AYE
Dunning	AYE	Reed	AYE
Glover	AYE	Staelin	AYE
Hunt	AYE		

B. December 1, 2023 Business Meeting Minutes

Commissioner Lee asked that “a” be added before the word “mistake” on page 13.

The Commission unanimously voted to approve the December 1, 2023 minutes as corrected.

<b>Motion to approve the December 1, 2023 meeting minutes as corrected:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE (moved)</b>
Hunt	<b>AYE</b>		

**CONTINUED PUBLIC HEARING**

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

Mr. Camp reviewed the application including a revised site plan, decommissioning plan, and a draft economic benefits agreement. He said the applicant requested a deferral until February as there are a number of items to be addressed and various agencies that have yet to respond. He added that two important items that have yet to be addressed are how the applicant plans to mitigate potential erosion on the site during the construction process and also blasting details.

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

Ty Lawson (legal representative on behalf of applicant) said they were working with the Staff and have requested a deferral until February for various reasons. He noted they were recently advised that their interconnection approval is anticipated by April which is encouraging. He said that the applicant is awaiting the county attorney’s review of the decommissioning plan and that the economic benefits agreement is in need of clarification with the Commissioner of Revenue’s office. He added that a lot of the comments listed are outdated and have been addressed. He said a plan has been submitted to DEQ and that he feels confident that it will be approved. Lastly, he said the remaining pending item is review comments from the county’s consultant on the erosion and sediment plan that was submitted on June 27<sup>th</sup>. He suggested that the applicant and Staff meet on a weekly basis to keep the application moving until the February meeting.

Chair Ohrstrom asked about the June submittal to Hurt and Proffitt to which Mr. Camp responded that they had received the revisions from the applicant before Christmas which are under review. He added that the original submittal was in June.

The Commission unanimously voted to accept the applicant’s request to defer SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner) to the February 2<sup>nd</sup> Business Meeting.

<b>Motion to accept the applicant’s request to defer <u>SUP-22-01/SP-22-02, Horus Virginia I, LLC (applicant)/Bellringer Farm, LLC (owner)</u> to the February 2<sup>nd</sup> Business Meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**PUBLIC HEARING – SITE DEVELOPMENT PLAN**

**4. SP-23-03, Double Tollgate Pump Station**

Mr. Camp reviewed the staff report regarding the application for the Double Tollgate Pump Station site plan.

Mr. Camp stated that Staff previously identified issues that needed to be resolved before approval consist of a revised karst plan, building department review, and VDOT review. He noted that most of these issues have been resolved. He said even though the newly proposed mitigation strategy is acceptable, the county’s karst consultant recommended that the county monitor the project during the construction process during excavation. He said Staff recommends conditions of approval of the site development plan and certificate of appropriateness application in consideration of the changes. He said the first condition is that Staff will confirm that all the VDOT technical detail design requirements are complied with as outlined in their comments prior to approval of the site development plan. He noted the second condition of approval is that a county representative or representatives, geologists, and geotechnical engineer observe the excavation during construction and provide a report to the county on their findings as well as any mitigation measures taken. He continued that these recommendations are consistent with the three conditions of the Commission’s approval policy including: 1) when the issue has been informally resolved and only requires final written submission by the applicant and confirmation by Staff or applicable review agencies, 2) that the issue is reasonably expected to be resolved in the next twenty-one days, and 3) that the issue is not one that warrants a continuation of a public hearing in the Commission’s opinion.

Commissioner Staelin asked if the entire Double Tollgate area has access to the pump station and sewer system. He recalled Waterloo being a high-pressure system that could not be connected in between versus Millwood being low pressure. Mr. Stidham replied that the state property to the south could also use it and connect to it as well. Mr. Camp noted there will be additional work needed for future rezonings or site plans and that the applicant will need to identify additional easements to the pump station. He said that they currently have one for the main force line provided on the opposite side of the highway. Chair Ohrstrom noted the corner of the property and commented that any business would be able to access it beyond the property line.

Chair Ohrstrom opened the continued public hearing.

Wayne Massey of Wiley Wilson said they are working with Frederick Water on the development of the pump station design plan. He said the force main will have a utility easement from US 522 to the pump station that could be utilized for gravity flow if needed from nearby properties and that easements would be required to get to the pump station gravity portion. Commissioner Staelin asked for clarification that there would be multiple easements perhaps in the future. Mr. Massey replied the easement from US 522 to the pump station is a utility easement to be used for properties south, the REC property, or potentially anything west of US 522 that may tie in. He said additional easements are required if they are looking to serve areas further south of the adjacent property. Commissioner Staelin asked if the easement is wide enough to allow Dinosaur Land to potentially use the gravity line at the pump station to which Mr. Massey commented that it is wide enough at 20-30 feet wide and could be used in the opposite direction.

Mr. Boies said that the properties that will be served are those identified in the Comprehensive Plan and in the service area which include the properties at the intersection as well as the old prison property. He continued the county is going to send a letter to those property owners once the pump station location is finalized regarding gravity lines to get gravity sewer to the pump station. He said REC will be a big player in this effort but will also need to connect. He continued that the county is paying for the pump station and force main but not the gravity line to get sewer to the pump station. He said he hopes all property owners will work together to share the cost and with the required easements as they will want to use the pump station which is the easiest and most effective.

Chair Ohrstrom asked if REC could require payment from the surrounding properties. Mr. Boies replied that the property to the south of the REC property is owned by the Virginia National Guard and have expressed interest to work with the county on any easements needed. He noted that it is to everyone's benefit to work together on this and that REC may not be allowed to connect to the system if they do not wish to cooperate. Commissioner Staelin asked for clarification regarding the force main and that one could not tie in. Mr. Boies replied yes. Commissioner Lee commented that they might need another pump station to pump to this station depending on the location and topography. Mr. Boies replied that Wiley Wilson looked at properties in the service area and chose this specific location as it is the lowest.

Chair Ohrstrom closed the public hearing as there were no further questions or comments from the Commission or the public.

The Commission unanimously voted for conditional approval of the site development plan and certificate of appropriateness SP-23-03, Double Tollgate Pump Station.

<b>Motion for conditional approval of <u>SP-23-03</u>, Double Tollgate Pump Station</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**SCHEDULE PUBLIC HEARING**

**5. SUP-23-03/SP-23-04, Harry Z. Isaacs % Long Branch Farm**

Vice-Chair Buckley did not participate as commissioner for this item as he represents the applicant and has a conflict of interest.

Mr. Camp reviewed the staff report on the special use permit and site development plan for Long Branch Farm. He said the applicant has requested a thirty-day deferral on the public hearing as comments from VDOT and the building department have yet to be received. He also said the Virginia Department of Health (VDH) commented that the onsite septic disposal system records are not present and that the applicant’s system may not be adequate. He said VDH recommends the applicant hire an onsite soil evaluator and submit technical information that can be reviewed for further determination.

There were no questions or comments from the Commission.

The Commission voted 10-0-1 approved to accept the 30-day deferral request of SUP-23-03/SP-23-04, Harry Z. Isaacs % Long Branch Farm to the February 2<sup>nd</sup> Business Meeting.

<b>Motion to accept the applicant’s request to defer <u>SUP-23-03, Harry Z. Isaacs % Long Branch Farm</u> to the February 2<sup>nd</sup> Business Meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>ABSTAINED</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE (seconded)</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**6. 2024 Transportation Plan**

Mr. Stidham presented the revised 2024 Transportation Plan.

Chair Ohrstrom asked about funding for this project. Mr. Stidham replied that funding is a driving force and one of the reasons VDOT required data to support the project as a priority. He said language was added throughout the plan to focus on projects that are data supported and strong funding candidates. He said he requests a VDOT recommendation each time these projects are reviewed.

Commissioner Glover asked if the crash data was combined or separate for the Route 7 and Route 601 intersection from the Appalachian Trail based on the crash data. Mr. Stidham replied that the crash data is for the intersection itself and that language was added to consider combining the two projects but that they are looking for VDOTs recommendation especially with the new scoring criteria. He said that intersection in particular scored poorly during the last improvement project round. Commissioner Glover asked about crash data for both sides of the mountain. Mr. Stidham said VDOT’s crash data is updated on an annual basis so things could change depending on when they review it and that our plan details that VDOT is responsible for providing the county with those recommendations and assisting the county with funding.

The Commission unanimously voted to schedule public hearing for the 2024 Transportation Plan for the February 2, 2024 Business Meeting.

<b>Motion to schedule public hearing for the 2024vc Transportation Plan for the February 2, 2024 Business Meeting:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE (seconded)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**MINOR SUBDIVISION APPLICATIONS**

**7. MS-23-09/MLSE-23-04, Adam R. Foster (applicant)/Rockwood Riverside, LLC (owner)**

Mr. Camp provided a summary of the staff report recommending approval of the minor subdivision and maximum lot size exception.

The Commission had no questions or comments.

The Commission unanimously voted to approve MS-23-09/MLSE-23-04, Adam R. Foster (applicant)/Rockwood Riverside, LLC (owner).

<b>Motion to approve <u>MS-23-09/MLSE-23-04, Adam R. Foster (applicant)/Rockwood Riverside, LLC (owner)</u>:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE (moved)</b>	Lee	<b>AYE</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE (seconded)</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**8. MS-23-11, Nathan Markee (owner)**

Mr. Camp provided a summary of the minor subdivision and noted that Staff recommends approval. Commissioner Lee asked if the applicant is aware that they will have a residual with zero dwelling unit rights (DURs) on the 100-acre parcel. Mr. Camp said there are two exemptions and a dwelling but no remaining DURs.

The Commission had no questions or comments and unanimously voted to approve MS-23-11, Nathan Markee (owner).

<b>Motion to approve MS-23-11, Nathan Markee (owner):</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE (seconded)</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

## **9. Board and Committee Reports**

### **Board of Supervisors (Catlett)**

Commissioner Catlett noted that the Board has an upcoming organizational meeting and that they have two public hearings scheduled for their next regular meeting. She said the first public hearing is regarding the solar power plant use and regulations.

Regarding the second public hearing, Commissioner Catlett explained that years ago the Board established a Fire and EMS Commission as an organizational entity for Fire and Rescue. She said the members of the commission and members of the volunteer fire department have been working on the best way to coordinate between the county and volunteers and proposed creating a new organization to assist in those efforts.

### **Board of Septic & Well Appeals (Ohrstrom)**

Chair Ohrstrom noted that a new variance application has been submitted and is scheduled for later in January. Mr. Stidham noted that it is a variance to one of the requirements for an alternative septic system.

### **Board of Zoning Appeals (Staelin)**

Nothing to report.

### **Historic Preservation Commission (Glover)**

Commissioner Glover said that there is a meeting scheduled for January where a potential grant will be discussed.

### **Conservation Easement Authority (Ohrstrom)**

Chair Ohrstrom noted that the commission will have an organizational meeting on January 12th and believes their final easement record numbers will be released at that time. He also mentioned that the awards ceremony will be held in February where the Tupper Dorsey family will be awarded.

### **Broadband Implementation Committee (Stidham)**

Nothing to report.

**11. Projected Upcoming Agenda Items, January - April**

Mr. Stidham reviewed the upcoming agenda items through April. The Commission had no questions or comments regarding the scheduled meetings.

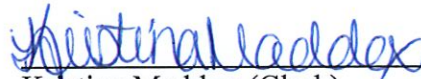
**ADJOURN**

The Commission unanimously voted to adjourn the January 5<sup>th</sup> Business Meeting at 10:10AM.

<b>Motion to adjourn the January 5, 2024 Planning Commission meeting at 10:10AM:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice-Chair)	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Catlett	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Reed	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		



George L. Ohrstrom, II (Chair)



Kristina Maddox (Clerk)