



**Clarke County Planning Commission**

**MINUTES – Work Session**

**Tuesday, January 30, 2024 – 3:00PM**

**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
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)	X	Doug Lawrence (BOS alternate)	X

**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:** None.

**CALL TO ORDER:** By Chair Ohrstrom at 3:00PM.

**1. Approval of Agenda**

The Commission did not have any additions or corrections to the agenda.

**2. Review of February 2 Business Meeting Agenda Items**

**A. Conflict of Interest Statements**

Mr. Stidham noted that Vice-Chair Buckley previously read a conflict of interest statement into the record for the Long Branch special use permit case as he is the applicant.

**B. Agenda Review**

Ms. Maddox noted two corrections on the January 5, 2024 meeting minutes. She said the first edit is found on page 10 of 200 under the approval header which is to be corrected to read, “Motion to approve the January 5<sup>th</sup> Business Meeting as presented by Staff.” She said the second correction is on page 17 of 200 under adjournment and that “Work Session” is to be changed to “Business Meeting.” Mr. Stidham commented that Commissioner Staelin has additional corrections that will be addressed at the Business Meeting.

Mr. Camp reviewed the status of the Horus Solar Power Plant application. Commissioner Staelin asked about the impacts of blasting to create the stormwater detention area. Mr. Camp replied that he is not certain of those details and noted that the applicant is blasting so they can dig the stormwater pond which is full of rocks. He continued that construction will be based on Department of Environmental Quality’s (DEQ) requirements and he would ask for those details. Commissioner Lee asked if the applicant considered ram hoeing or jackhammering the rocks

instead of blasting. Mr. Camp responded that he would make that suggestion to the applicant prior to the Business Meeting.

Commissioner Lee asked about the machinery and tools tax and said he thought that the state prohibited the county from charging those costs. Mr. Stidham replied that the law has changed since the Hecate Energy solar power plant application was reviewed and that projects the size of Horus Virginia are subject to a reduced tax amount and may be subject to the State Corporation Commission's assessment schedule. He continued that the applicants do not have such language in their siting agreement to pay machinery and tools tax but that Staff is asking them to consider it. He said the applicant is using a lower multiplier in their draft language which does not scale to a 50 megawatt solar plant facility. He continued that determining fixed costs are important to them however real estate taxes and machinery and tools taxes change over time. He added that this may continue to the Board of Supervisors if not resolved at the business meeting.

Commissioner Lee asked if the approval will be based on conditional approval. Chair Ohrstrom replied yes. Mr. Camp said Staff's recommendation is to consider conditional approval of the special use permit given the remaining unresolved issues. He said the approval is based on the condition that the Economics Benefits Agreement be finalized by the applicant and accepted by the Board of Supervisors. He continued it is also Staff's recommendation that the site plan also be conditionally approved once DEQ has provided final approval.

Mr. Camp said Staff wrote in a condition that the applicant would not be able to store or park vehicles or machinery within 1,000 feet off of Westwood Road and 500 feet off Triple J Road so as not to interfere with traffic.

There were no further question or comments from the Commission.

Mr. Camp reviewed the staff report for the special use permit and site development plan application for Long Branch Farm for minor commercial public assembly. Commissioner Catlett asked if the current special use permit for a veterinary clinic stands or is terminated if the activity on the property has been inactive for thirty days. Mr. Camp said he would have to look into those terms. Mr. Stidham said he thought there would still need to be some sort of action made by the Board to terminate the special use but that he would like to consult with the county attorney. Mr. Camp stated that the permit is specific to the Regional Equine Association Central Hospital (REACH) and any new clinic would be required to go through the amendment process or a new special use permit. Mr. Stidham clarified that there are two special uses – one for the clinic and one for the museum.

Mr. Camp said Staff's recommendation is to defer and schedule the public hearing when the Virginia Department of Health's (VDH) comments can adequately be addressed by the applicant regarding the existing onsite septic disposal system.

Commissioner Staelin asked if there are any conditions to address potential noise concerns. Mr. Camp said the applicant would at least be subject to the noise ordinance requirements and it is something he could draft with the permit conditions. Mr. Stidham noted that the baseline would apply the regulations in the noise ordinance with a condition or it can be made more stringent. He

also clarified that this is at the current stage of setting public hearing and that Staff has not yet made firm conditions or recommendations.

Mr. Buckley commented that Long Branch is expecting a letter from their soil scientist soon which will effect whether or not they ask for a deferral at the Business Meeting.

Commissioner Glover asked if there have been any complaints regarding Kentlands to which Mr. Camp noted they have not been operating as they are making entrance improvements per VDOT's recommendations.

Mr. Stidham said the only other items for the upcoming meeting are the Board and Committee Reports and upcoming agenda items through May.

### **3. Old Business**

Mr. Camp reviewed the three deferred applications. He said Berryville Berries is trying to communicate with their neighbors to better understand and address their concerns before they move forward on the primitive campground special use permit. Mr. Camp hopes to have an update mid-February as to whether they want to move forward.


With regards to the minor subdivision, Regan Partnership, Mr. Camp said they need another month to work out internal issues and the potential conservation easement they wish to pursue. He continued that the applicant hopes to receive an exception from the Commission regarding the road design standards.


Mr. Camp stated that the Watermelon Park applicant has requested another month to test the usage of septic onsite. He continued that Staff is waiting on a resubmission to address those issues.

### **4. New Business – None Scheduled**

#### **ADJOURN**

The Work Session adjourned by consensus at 3:43PM.

  
George L. Ohrstrom, II (Chair)

  
Kristina Maddox (Clerk)