

Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chairman Weiss recognized Trevor Brown, a firefighter in Sterling recently killed in the line of duty, for his service and valor and offered the Board’s condolences to the entire community of first responders.

Chairman Weiss also acknowledged the recent passing of former Sheriff Dale Gardner, who possessed a great outlook on life and was a tremendous asset to the community.

3) *Citizen’s Comment Period*

Bradley Cook of Longwood Lane in Bluemont

I have lived in the county for 22 years and I really like Berryville and being within 20 minutes of Leesburg, Winchester, Charles Town, and Purcellville. I really like it here but the traffic, in particular the commuting traffic, is getting out of hand. It is getting really dangerous for people pulling out onto Route 7 and getting off of Route 7. I passed out my emails back and forth with Mr. Stevens of VDOT concerning the issue.

I know we can’t control the amount of traffic and it is doubtful we can control the speeds. There is very little room to pull someone over, it’s dangerous for the officers and I don’t want to put anybody in harm’s way. I don’t care if they sit there in the car all day and not write a ticket. But there is no presence on the mountain unless there’s an accident. Unfortunately, we did have an accident right there at Retreat Road on February 2. I never found out the details of that accident and what happened, but I saw the black marks. It looked like somebody got T-boned – somebody trying to cross the road there. It’s a concern for me because we have a young girl who is getting ready to start driving. Coming down the mountain, I understand that vehicles are picking up speed. What my solution would be is some longer acceleration lanes. I don’t know if it is possible, but we could at least make them the exit lanes so that I can get out of these people’s way coming down the mountain.

VDOT did some tree trimming and I see maybe one sign posted, 55 mph, down towards the bottom of the mountain. I appreciate what they’ve done but it is not enough. If we can’t control the amount of traffic and we can’t control the speeds, we need to do something to the roads to make it safe for people to enter and exit. I spoke with the Chief Deputy and she is going to try to have more people in the area.

John Holmes of Oakleaf Lane

Our community is obviously concerned about traffic patterns on Route 7, especially the speed and the ability for Clarke County citizens to come in and out of their residences. I am a member of the homeowners association and the road association for Longwood. I also have a second property that comes in and out of River Road, which ingresses and egresses on Route 7 on the mountain. The Staunton area commissioner for VDOT told us that this is probably the most dangerous quarter mile in Northern Virginia: from the top of the mountain up to about Cattlemens crossing. I have had numerous experiences of accidents and have come upon scenes of accidents myself on this quarter mile. I have three thoughts for you; I don't just come with problems so I'm going to add what we think are solutions.

Number one is enforcement. Up on the mountain, we notice that the police do stay down by the bridge. It would be nice to have presence on the mountain. The VDOT commissioner himself stated that the average speed is somewhere between 75 and 85 miles per hour in a 55mph zone. That's extremely dangerous, especially considering the incline and the curve of the road.

Number two is that I noticed in the Board of Supervisors meeting minutes from December of last year, that you all stipulated that there was a proposal for a ten-foot paved shoulder on the right side and two feet paved on the left side.

The third thing is in the report from VDOT. I was present at the Blue Ridge fire house when they had the citizen's meeting with the VDOT person from Staunton. He went through the possibility of putting some turning lanes and traffic abatement, especially at Mountain Road. His words to us at the group were that the turning lanes were, in his words, "woefully inadequate". Those of us that live in Longwood also find that they are woefully inadequate.

I have seen a drunk girl crash through our sign one night, roll her little red Fiesta, jump out of the car, and run over to her friend's house to have a beer. Nothing ever happened to drunk girl when she crashed her car. I witnessed a guy named Will flip his Ford Explorer three times because of the way the gully is there. His car hit the bottom of the gully as he lost control and he flipped three times. He landed on the roof and I was the first person there. Here was a man bleeding, his legs were trapped in his car and he couldn't get out because of the high rate of speed and the danger of the embankments on either side. The third thing I'd mention is that we have a lot of people flow through the county that are not from the county. My friend Jay lives on Cattlemens and a fugitive came through during the Route 9 closure. His car broke down right near the bridge; he jumped out of his car and ran over to my friend Jay's farm. Jay is an honest guy and leaves his key in the car; the fugitive took his car to keep going on to Charm City to keep doing what he did.

My point is that VDOT has corresponded with our neighborhood and given us the statistics. There have been 82 accidents in the last sixty months with two fatalities.

Forty percent of the accidents are due to hit objects, which means people are sliding off the road. The road is unsafe and we beg you for some assistance.

Renwick Richardson of Bluemont

I have three young kids who will, pretty soon, be ready to drive. All the turn lanes going down the hill are horrible. They are turn lanes that you would find on residential roads in normal subdivisions, but they are the same that you have going down the mountain where there are people going seventy or eighty miles an hour.

Another thing that is a really big deal is the eighteen-wheelers and trailers coming down the road. With the speeds that everyone is coming down, it is easy for even us to make a mistake. I have almost made mistakes not judging big rigs coming down. I live right off of Route 7. I drive fire trucks for a living, and even I misjudged. It would be easy to get creamed there. Now, we all have a lot of driving experience. Shame on us if a sixteen, seventeen, eighteen year old gets creamed. The amount of driving experience that I think you need to be able to come in and out of there is very high. I work by the mixing bowl, and this is probably scarier. At least, with the mixing bowl, there's a way out as long as you're paying attention. On that mountain, there is zero way out. There is no good answer if you make a mistake.

Michael O'Donnell of Millwood Road

What I'm here to talk to you about today is the work that the Millwood traffic community has done over the last eighteen months, along with Ed Carter and his team at VDOT. There are two things that we are looking to walk out with today; I realize that you will not have an immediate decision at this point.

The first thing we are asking for is that the Board of Supervisors approve a resolution to install four speed tables as designed and placed by the Virginia Department of Transportation. Those markings are in place and let me just tell you what our role has been in gathering community support and the outcome of that. Specifically within the gateway signs of Millwood itself, there are 126 properties. According to page six of VDOT's *Traffic Calming Guide for Neighborhoods*, the community must define the area and bring forward greater than 50% approval of the plan. In this case, we have obtained written approval from 77 households, which is 66% of the total properties. The secondary rule in VDOT's guide is that those must be occupied properties. So, I've extracted ten properties which are either uninhabitable, unoccupied, or empty lots.

In addition, we have gained another 44 households outside of the Millwood gateway signs that have signed their support. That includes northerly sections of Bishop Meade Road, Clay Hill, Browntown Road, and extensions of Millwood

through Boyce and out to highway 50. A timeline of the past eighteen months includes our internal discussions, the traffic studies that have been done, and all of the conversations and meetings that we have had with the community. Those meetings have included expansive support, as have community sessions at Shiloh Baptist Church as well as notices on bulletin boards at the Millwood Post Office and email, as well as door-to-door canvassing.

Nathan Stalvey of Tannery Lane

As the Director of the Clarke County Historical Association, I would like to speak in support of the aforementioned resolution about the speed tables in Millwood. I know that, for quite some time, those who run businesses and those who live in Millwood have had a lot of different ideas. One thing could work for the residents but not so much for the business owners and vice-versa. I speak on behalf of the Historical Association, which also includes our staff, our Board of Directors, and our mill volunteers when I say that we all are in support of those speed tables. We feel like this is a great way to slow down the traffic without taking away from the historic fabric of the downtown Millwood community. It would greatly alleviate a lot of those speeding cars that come up and down Millwood Road. These speed tables would definitely solve a major problem for all of us and I wanted to speak in support of that measure.

4) *VDOT Update*

Residency Administrator Ed Carter presented the following update for the months of January and February:

Maintenance Matters

- Mobilized several times for snow and flooding events
- Spot-graded several stabilized roads and applied stone; will continue this month
- Trimmed trees on Borden Spring Road (Rt 622) and Rt 7 at Longwood Lane
- Continued debris cleanup on Blue Ridge Mountain Road (Rt 601); will continue this month
- Will begin trash pickup on primary routes and pipe cleaning operations on various routes
- Responded to and repaired numerous potholes
- Since December 2023, VDOT has mobilized for 13 snow/ice events and 3 flooding events, which takes significant time away from maintenance tasks

Board Matters

- Met with citizens group to mark speed table locations in Millwood. VDOT is prepared to move forward this spring, as soon as the weather and temperatures are favorable. VDOT will need a resolution of support from the Board to begin. The speed tables will be on a pilot basis, at least for a year, to prove that they are effective.

Supervisor McKay

- Stated that one of the proposed tables is located on an incline and suggested moving it to a flatter section, so that heavier trucks or trailers could negotiate it easier in icy or slippery conditions.
 - Ed Carter replied that Traffic Engineering would have to investigate and coordinate with the community group.

Vice Chair Catlett

- Opined, and Supervisors Lawrence and Bass agreed, that the project, as a pilot program, would be useful to see if speed tables actually slow traffic down.

Ed Carter continued his update:

- The deceleration and acceleration lanes at the crossovers on Route 7 (mentioned earlier) were built in the early 1970's. They were standard at the time, but the traffic volume and speeds there now are much different.
- The estimated cost to extend the turning lane on westbound Route 7 at Longwood Lane was \$85,000-\$100,000. Unfortunately, there are no funds available to do that now. There are only two viable funding sources for that type of work right now: revenue sharing, where the county and state each pay half, and the Highway Safety Improvement Program (HSIP).
- HSIP funds are competitive, like SmartScale, and based on crash activity. HSIP funds were used to widen the shoulders and add the rumble strips on Route 7 because, statistically, almost 40% of the crashes are off roads. The remainder of Route 7, from the bridge to the county line, will also receive shoulder widening and rumble strips in 2024.
- The only other funding solution VDOT can offer is to submit a SmartScale application to cover the crossings along Route 7. That application would be scored against others in the state and there is no guarantee that funds would be available.
- The driving culture today is something that VDOT fights everywhere. People do not want to be slowed down, do not want to be inconvenienced, and they want to get from one place to another in a hurry.
- Law enforcement for both the county and the state have worked with VDOT on this issue in the past, but they do not have the resources to have someone out there all the time.

- VDOT has requested enhanced enforcements previously; the number of tickets issued in just a two-hour time period was surprising.

Chairman Weiss

- Asked if \$100,000 per crossover intersection would be an accurate cost estimate.
 - Mr. Carter replied that some would cost much more. The \$100,000 estimate for Longwood Lane was on the less expensive side; grade differentials drive the cost up significantly.

Supervisor Bass

- Inquired, if such a SmartScale project were to be approved, what the timeline would be.
 - Ed Carter advised that it would be six to eight years before the actual funding became available.

Chairman Weiss

- Shared that the Board is equally as concerned as the citizens who provided comment earlier and will continue to search for solutions. The Board has previously discussed whether the county can fund some of these improvements, though there is a question as to why the county must fund improvements on a state highway system.

Ed Carter continued:

- At the intersection of Crums Church Road and Route 7, there have been fifteen crashes (eight eastbound and five westbound) with six injuries. VDOT will examine the signal timing on that light again.

Supervisor Lawrence

- Shared that he has received many citizen complaints about tractor-trailers running red lights there.

Supervisor McKay

- Advised that citizens have requested centerline markings on Red Gate Road.
 - Mr. Carter responded that VDOT would look at the area to see if this is feasible.

5) *Introduce New Health Department Director*

Tara Blackley, Director of the Lord Fairfax Health District, presented the following:

- The district has been reassessing operations since the Covid-19 pandemic, with a focus on communication, customer service, and hiring.
- An internal strategic plan is important to lay out a map and vision for the future, as is setting strong performance metrics to share with the district's government partners.

- Much of public health work happens behind-the-scenes, but is critically important for keeping the public safe.
- The district is also starting work on a community health assessment and community health improvement plan. Through engagement, the community has an opportunity to help define and prioritize public health issues. Hopefully, the Board and other localities can be involved in this process as well.

6) *Introduce New Library Manager*

The Handley Regional Library System Director introduced Alison Waddell, the new Clarke County Branch Manager.

7) *Approval of Minutes*

Vice Chair Catlett moved to approve the minutes of January 16, 2024 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

8) *Set Public Hearing: 2024 Clarke County Transportation Plan*

Planning Director Brandon Stidham presented the following:



Clarke County Board of Supervisors
February 20, 2024 Meeting

Schedule Public Hearing

- 2024 Transportation Plan

Background

- Current Plan was adopted on March 18, 2014.
- Planning Commission adopted a resolution to initiate review of the Plan on January 4, 2019.
- Commission's Policy & Transportation Committee and staff developed the revised draft Plan in 2023 using guidance from the revised Comprehensive Plan that was adopted in September 2022.
- Code of Virginia requires all county transportation plans to be reviewed by the Virginia Department of Transportation for conformance with code requirements - VDOT staff approved the revised draft Plan on December 14, 2023.

Plan Framework

- Chapter I – Introduction
 - Summary Statement of Transportation Philosophy
 - Scope of Current Revision
 - Statistics and Growth Assumptions
 - Existing Transportation Network
- Chapter II – Plan Objectives and Strategies
- Chapter III – Proposed Transportation Improvement Projects and Studies
- Appendices
 - Transportation Facilities and Improvement Projects Map
 - Functional Classification Table – Public Road System
 - Private Roads List
 - Unpaved Public Roads List

Summary Statement of Transportation Philosophy

- *The Commonwealth of Virginia, through the Virginia Department of Transportation (VDOT), is responsible for ensuring that Clarke County has a safe and efficient public road network through professional guidance and provision of funding opportunities.*
- *The capacity of existing public roads outside of the Towns and designated business intersections, including the County's primary highways, should not be expanded - even to accommodate growth generated by adjoining jurisdictions. The County's land use philosophy ensures that no unplanned growth will be generated in the county to require road capacity expansion in the rural areas.*
- *The County will invest in road improvements to support existing towns and business intersection areas which are consistent with the Comprehensive Plan and applicable component plans. Road improvements in rural areas shall be limited to safety and functional improvements.*
- *The County expects developers of public and private projects to mitigate all impacts that their projects may have on the County's transportation network.*
- *Private roads shall be designed to ensure safe connectivity to the public road network and to minimize environmental impacts. Private roads are the sole responsibility of the landowners and easement holders that use them - public funds shall not be used to maintain private roads or to upgrade them to public roads.*

Plan Objectives and Strategies

- **Objective 1 -- Plan for a safe, cost-efficient, and cost-effective County-wide transportation network.**
 - Evaluate the Transportation Plan every five years.
 - Evaluate improvement projects annually to determine how each may be affected by new impacts or funding opportunities.
 - Consider supporting new projects which may arise due to new or changed impacts or new funding opportunities. Projects should be recommended by VDOT and have strong likelihood of obtaining funding.
 - Request VDOT to conduct safety studies along primary highways, secondary roads, and intersections with safety concerns and recommend improvements, cost estimates, and likelihood of funding.
 - Ensure developers mitigate transportation impacts resulting from their projects including voluntary provision of improvements.

Plan Objectives and Strategies (cont.)

- **Objective 2 – Continue to focus the County's limited transportation funds and resources on projects that improve traffic safety and functionality within the Towns and business intersections, add compatible bicycle or pedestrian features, provide new or enhance existing commuting opportunities, or replace existing gravel public roads or road segments with new hard surfaces.**
 - Prioritize projects serving designated growth areas that have committed funding or would be strong candidates for funding programs.
 - Apply six-year secondary road construction funds to projects that improve safety, stormwater impacts, or that hard surface gravel public roads. Solicit/evaluate public comment on the hard surfacing of gravel public roads.
 - Support bicycle/pedestrian accommodations. Bicycle/pedestrian improvements along secondary roads shall not require significant road widening especially along scenic byways.
 - Private roads and access easements are the property owners' responsibility and public funds shall not be used to improve them.

Plan Objectives and Strategies (cont.)

- **Objective 3 – Improvements to the transportation network shall be consistent with the County's land use philosophy and the recommendations of the Comprehensive Plan.**
 - Oppose efforts to expand capacity of the County's road network outside of the incorporated towns and business growth areas. Avoid projects that may adversely impact conservation easements or scenic byways.
 - Support projects within Berryville and Boyce that are consistent with these towns' comprehensive plans and compatible with the County's land use and transportation philosophy.
 - Proposed new public roads and significant improvements to existing public roads in growth areas shall be consistent with guidance from the Comprehensive Plan, Berryville Area Plan, and the Waterloo and Double Tollgate Area Plans.

Chris Boies noted that counties do not have the legal authority to maintain the public roads, as they are part of the state highway system and it is a challenge for the county to get involved.

Proposed Transportation Improvement Projects and Studies

- **Current projects in 2013 Transportation Plan (unprioritized):**
 - Waterloo intersection (US 50/17 and US 340)
 - Intersection of Va. Route 7 and Shepherds Mill Road (Rt. 612)
 - Double Tollgate intersection (US 340/277 and US 522)
 - West Main Street in Berryville (Hermitage Blvd to Va. Route 7)
 - Town of Boyce drainage improvements along US 340
 - East Main Street in Berryville (railroad crossing to Va. Route 7)
 - New park-and-ride lot on Va. Route 7 west of Berryville
- **Most of these projects were scoped many years ago and need to be reevaluated.**
- **Plan recommends VDOT study each project to determine:**
 - Whether there is still a need for the project
 - Whether the project scope should be modified
 - Whether the project cost estimate is accurate
 - Likelihood of the project receiving Federal or State funding, especially Smart Scale funding

**Proposed Transportation Improvement Projects and Studies
(cont.)**

- **Policy & Transportation Committee recommended Staff update and prioritize the project list:**
 - Double Tollgate intersection (US 340/277 and US 522)
 - Va. Route 7 and Shepherds Mill Road (Rt. 612) intersection
 - NEW – Va. Route 7 and Blue Ridge Mountain Road (Rt. 601) intersection
 - NEW – Va. Route 7 Appalachian Trail pedestrian bridge
 - East Main Street in Berryville (railroad crossing to Va. Route 7)
 - West Main Street in Berryville (Hermitage Blvd. to Va. Route 7)
 - Waterloo intersection (US 50/17 and US 340)
 - Town of Boyce drainage improvements along US 340
 - New park-and-ride lot on Va. Route 7 west of Berryville
- **Unprioritized project:**
 - Town of Berryville southeastern collector road (US 340 to Jack Enders Blvd.)

**Proposed Transportation Improvement Projects and Studies
(cont.)**

- **VDOT reviewed initial Plan draft and noted that prioritized projects must be supported by quantifiable measures.**
- **VDOT recommended use of crash data from their Top Potential Safety Improvement Segments and Intersections database for each project that is prioritized.**
- **Unprioritized projects do not need to be supported by crash data.**
- **Staff revised the projects list and converted most of the projects to corridor and/or intersection studies.**

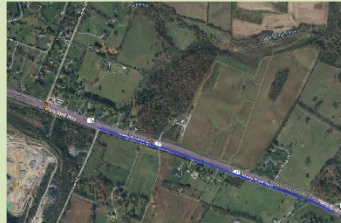
Prioritized Projects

-- Supported by crash data

#1 – Intersection of Shepherds Mill Road (Rt. 612) and Route 7; segment of Route 7 between Shepherds Mill Road and Castleman Road (Rt. 603)



Intersection of Va. Route 7 and Shepherds Mill Rd. (Rt. 612);
VDOT 39th (18 total crashes, 5 injury/fatality)



Va. Route 7 corridor of concern – Quarry Road (Rt. 612) to Castleman Road (Rt. 603); VDOT 51st (30 total crashes, 11 injury/fatality)

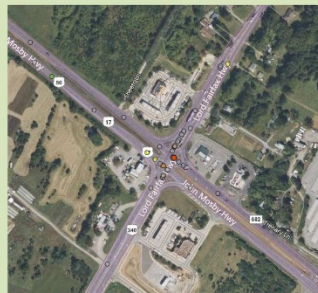
#2 – Corridor Study – Route 7 between Triple J Road/Crums Church Road (Rt. 632) and West Main Street



Va. Route 7 corridor between Route 632 and Va. Business 7; VDOT 16th (46 total crashes, 11 injury/fatality)

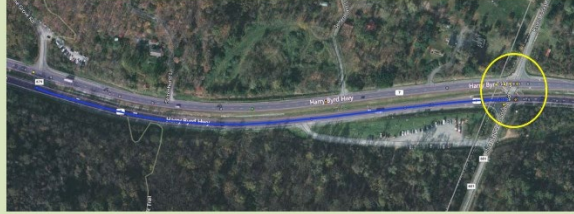
- (1) Triple J Road/Crums Church Road (Rt. 632) intersection
- (2) Kimble Road (Rt. 653) intersection; VDOT 85th (12 total crashes, 6 injury/fatality)
- (3) West Main Street (Va. Business 7) intersection

#3 – Intersection Study – US 340 and US 50/17 (Waterloo)



Waterloo intersection – US 340 and US 50/17
VDOT 19th (32 total crashes, 6 injury/fatality)

#4 – Intersection of Route 7 and Blue Ridge Mountain Road (Rt. 601)



Yellow circle – Intersection of Va. Route 7 and Blue Ridge Mountain Rd (Rt. 601)
Blue line – Corridor of concern, Pine Grove Road (Rt. 679) to Blue Ridge Mountain Rd (Rt. 601);
VDOT 145* (14 total crashes, 3 Injurs/fatalty)

#5 – Route 7 Appalachian Trail pedestrian bridge



Intersection of Va. Route 7, Pine Grove Rd (Rt. 679), and Appalachian Trail (green)

#6 – Intersection Study – US 340/Va. 277 and US 522 (Double Tollgate)



Double Tollgate intersection – US 340, US 522, and Va. Route 277
* Not currently ranked; previously included in Va. Route 277 corridor of concern

Other Projects and Studies

- Unprioritized list of projects:
 - Not supported by crash data
 - Scope is outdated
 - Need is newly-identified and requires further study
- Divided into Existing (2013) Projects and New Projects

Existing Projects 2013 Transportation Plan

East Main Street between Route 7 and Norfolk Southern railroad crossing (Berryville)

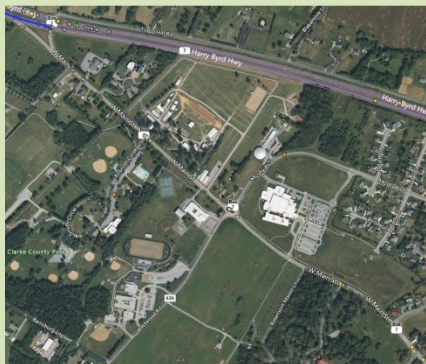


East Main Street corridor from Norfolk Southern railroad to Battletown Drive



East Main Street corridor from Battletown Drive to Va. Route 7

West Main Street from Route 7 to Hermitage Blvd. (Berryville)



West Main street corridor from Harry Byrd Highway to Hermitage Boulevard

US 340 drainage improvements (Boyce)



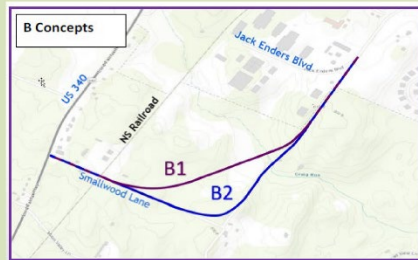
US 340 corridor through the Town of Boyce

Future Park-and-Ride lot west of Berryville



Park and Ride Lot west of Berryville
(Waterloo-US 50/17 Park-and-Ride lot shown)

Berryville Southeastern Collector Road



Proposed Southeastern Collector Road routes – Town of Berryville
PrimeAE study presentation (July 14, 2020)

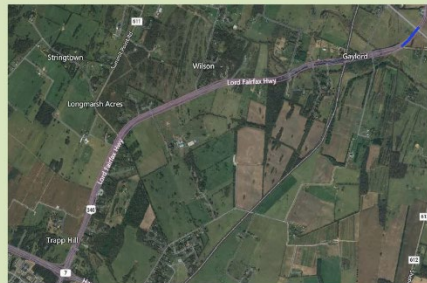
Newly-identified Projects

Corridor Study – US 340 between Smallwood Lane (Rt. 680) and Berryville town limits



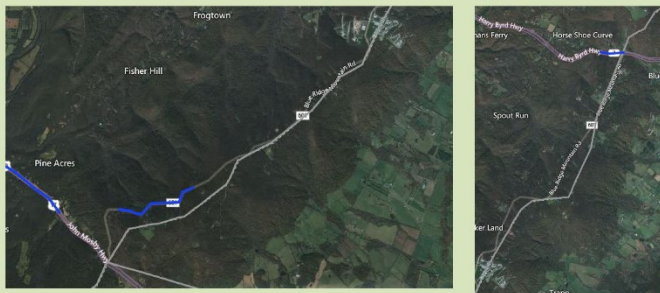
Corridor Study – Lord Fairfax Highway (US 340) between Smallwood Lane (Route 680) and Town of Berryville limits; VDOT 91st (15 total crashes, 4 injuries/fatalities)

Corridor Study – US 340 between Route 7 and West Virginia state line



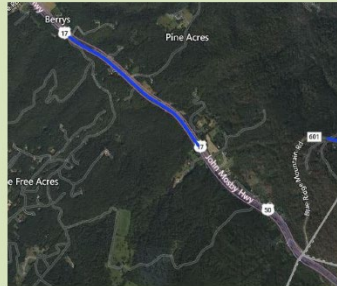
Corridor Study – Lord Fairfax Highway (US 340) between Harry Byrd Highway (VIA Route 7) and West Virginia state line; VDOT 37th (28 total crashes, 7 injuries/fatalities)

Corridor Study – Blue Ridge Mountain Road (Rt. 601) between Route 7 and Route 50/17



Corridor Study – Blue Ridge Mountain Road (Route 601); VDOT 69th (20 total crashes, 9 injuries/fatalities)

Corridor Study – Route 50/17 between Shenandoah River and Fauquier county line



Corridor Study – John Masby Highway (U.S. 50/17) between the Shenandoah River Bridge and Fauquier County line. VDOT 1119 (17 total crashes, 5 injuries/fatalities)

Planning Commission Recommendation

- Following a duly advertised public hearing on February 2, Commission voted unanimously to recommend adoption of the 2024 Transportation Plan.
- There were no public comments offered at the Commission's public hearing.

Staff Recommendation

- Staff has no outstanding concerns with the adoption of the 2024 Transportation Plan.
- Recommend scheduling public hearing for the Board's March 19, 2024 meeting.

The Board reviewed the information presented and discussed several points, including combining several Route 7 intersection projects, current citizen concerns, crash data, sources of traffic, and coordination with neighboring localities and other agencies.

By consensus, the Board agreed to postpone setting a public hearing and to review the 2024 Transportation Plan at their March 11 Work Session.

9) *Set Public Hearing: Horus Virginia I LLC Siting Agreement*

County Administrator Chris Boies presented the following:

- The Code of Virginia allows localities to enter into siting agreements with solar developers to mitigate the impact of solar projects and provide financial compensation for the county as a result.
- In order for a locality to approve such a siting agreement, it must hold a public hearing.
- The proposed siting agreement relates to the Horus Virginia I LLC special use permit and site development plan application that the Board will also be considering.
- The proposed financial compensation follows the ratio that Hecate paid per megawatt for their Double Tollgate solar facility.
- The County Attorney and County Administrator have requested several changes to strengthen the agreement’s language; no changes to the financial compensation have been proposed. The applicant’s attorney is reviewing those requests.

Chairman Weiss

- Explained the basic premise of such a siting agreement is to compensate the county for the tax revenue that the solar facility is exempted from.

Supervisor Lawrence

- Noted the proposed agreement would expire after 25 years and asked what would happen in year 26.
 - Chris Boies responded that the Board could include a 25-year expiration date as a condition to the special use permit so the applicant would be required to complete the permitting application process again and the agreement could be re-negotiated.
- Further inquired about how the property would be taxed.
 - Mr. Boies advised the agreement stipulates the financial compensation only applies to the defined project area. The several residences and other portions of the property that are outside of the project area will be assessed and taxed at regular rates.

Chairman Weiss

- Observed that it is confusing to approve an economic benefits agreement before approving a special use permit; if the Board is not going to support the special use, it is not appropriate to approve economic benefit.
 - Chris Boies added that the Code of Virginia requires the locality to hold a public hearing on the agreement but is silent on the matter of specific order. If the Board were to approve the siting agreement but deny the special use permit, then the siting agreement would be voided.

Supervisor Bass moved to set a public hearing on the Horus Virginia I, LLC, siting agreement (PH2024-04) for March 19, 2024 at 6:30 pm or as soon thereafter as the matter may be heard. 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

10) Set Public Hearing: Horus Virginia I LLC Special Use Permit & Site Development Plan (PH2024-05: SUP22-01/SP22-02)

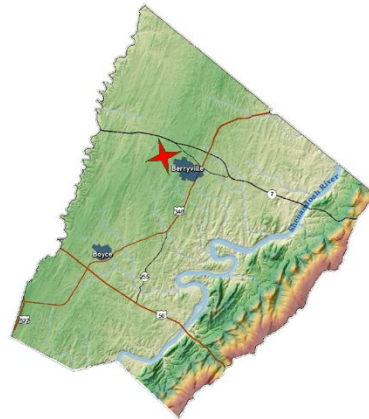
Senior Zoning Administrator Jeremy Camp presented the following:

Clarke County, VA
 BOARD OF SUPERVISORS

**Special Use Permit (SUP-22-01) &
 Site Development Plan (SP-22-02)**
Bokett Solar 50MW Solar Power Plant

APPLICANT
 Horus Virginia I LLC
 (OPDEnergy)

OWNER
 Bellringer Farm, LLC



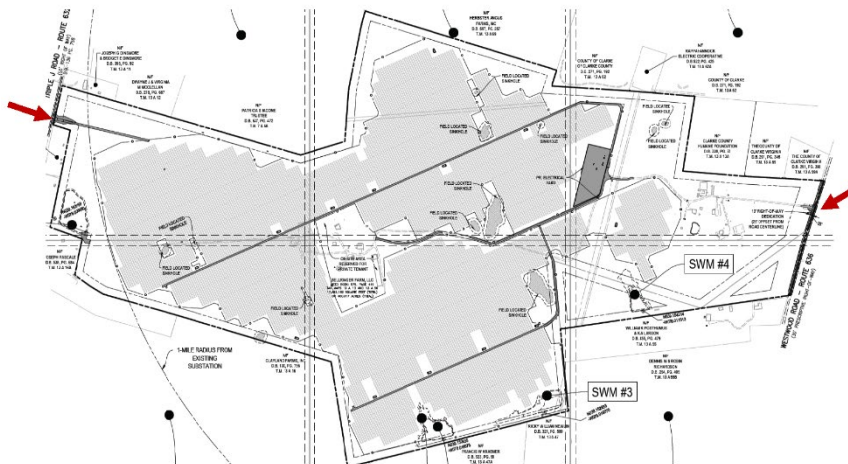
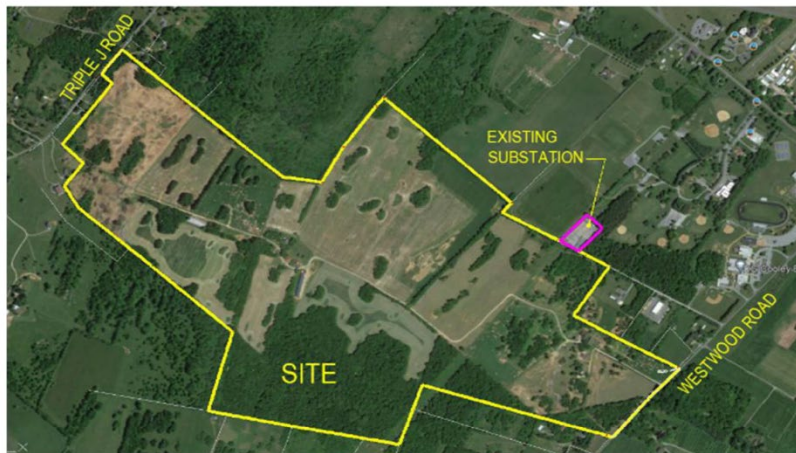
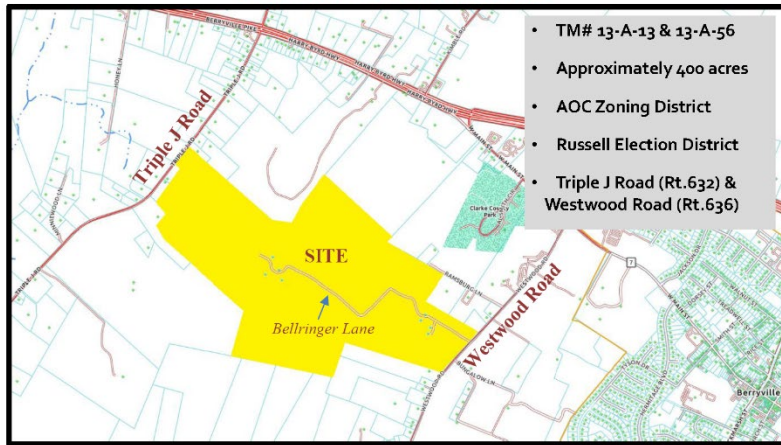
February 20, 2024 – BOS Regular Meeting – Set Public Hearing
TBD – BOS Public Hearing

REQUEST

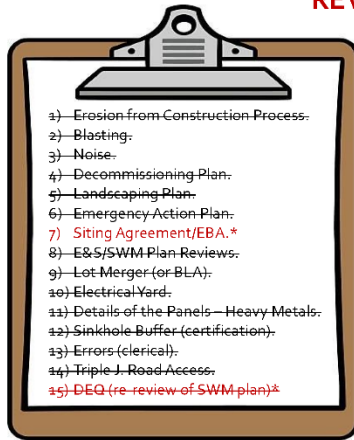
To develop a 50 MW Solar Power Plant on the subject property pursuant to Section 5.2C of the Clarke County Zoning Ordinance.



GENERAL INFORMATION



REVIEW STATUS



SUMMARY OF 22 RECOMMENDED SUP CONDITIONS

CONDITION #	HEADER - DESCRIPTION
1	Special Use Permit purpose; nontransferable
2	Applicant and Property Owner ("Owner") to sign list of adopted permit conditions; provision of revised site development plan
3	Access for inspections required

Standard conditions recommended for all SUPs in Clarke County that clarify the basics of the SUP

4	Ongoing Maintenance of site features
5	Decommissioning of facility
6	Removal of debris

Establishes the applicants responsibilities for the maintenance of the solar power plant; responsibility to make repairs after a disaster (Exhibit A), and responsibilities for decommissioning it (Exhibit B).

7	Blasting
8	Fire & EMS
9	Noise

Prohibits blasting except for 1 stormwater pond area (permit and plan required); establishes the same responsibilities as Hecate to work cooperatively with Fire & Emergency Services; limits construction btw the hours of 7AM and 7PM, no holidays or Sundays.

SUMMARY OF 22 RECOMMENDED SUP CONDITIONS

10	Entrance requirements
11	State and Federal permits
12	Karst monitoring

Responsibility of the applicant to meet VDOT requirements and make repairs if damage results from access during the construction process; requirement to meet all state and federal requirements; prohibits parking or storage along the state roads; establishes the same karst monitoring process and responsibilities as Hecate.

13	Landscaping
14	Payment Agreement
15	Revocation of Special Use Permit

Clarifies requirement to comply with landscaping plan and provide landscaping bond; establishment of the Economic Benefits Agreement, including payments to Clarke County; and establishes that the County may revoke the SUP if construction is not started within 2 years and completed within 3 years.

16	Stormwater drainage monitoring
17	Additional erosion and sediment control measures
18	Boundary Line Adjustment or Lot Merger required

Establishes monitoring procedures similar to those used for Hecate for the stormwater improvements on the property, including responsibilities for the applicant to address any issues; adds 3 additional measures to reduce runoff during the construction process above-and-beyond county requirements; and requires that TM #13-A-56 be adjusted or merged to comply with the County's minimum lot size requirement for solar power plants.

19	Solar Panel Type
20	Pre-construction meeting with Planning Department Staff
21	Metal Detector Survey – Battle of Berryville area
22	Gate at Triple J Road entrance

Requires a safer type of solar panels to minimize risk of fire and heavy metal contamination associated with certain types of solar panels; requires pre-construction meeting with Planning Staff to coordinate SUP conditions with contractor; requires a metal detector survey of the Battle of Berryville area prior to construction; and requires that the Triple J Road be gated after construction.

PLANNING COMMISSION RECOMMENDATION

February 2, 2024 – The Planning Commission recommended conditional approval of both the site development plan and special use permit with the 22 recommended SUP conditions. The conditional approval of the site development plan was that DEQ approval would be finalized prior to final approval. DEQ granted approval a few days after the Planning Commission meeting so this condition is addressed. The conditional approval of the special use permit was that the Economic Benefits Agreement be accepted to the Board prior to final approval.

RECOMMENDATION FOR FEB. 20, 2024 BOARD MEETING

The purpose of the meeting on Feb. 20th is to present the applications to the Board so that a public hearing can be scheduled with the Board in the future. Staff recommends that a public hearing be scheduled for the March Board Meeting.

Supervisor Lawrence

- Asked if the applicant would be required to plant cover crops to mitigate erosion and runoff issues.
 - Mr. Camp advised that the proposed conditions include measures to address and monitor stormwater and erosion and sediment control concerns. Additionally, the project must be phased specifically so one section is completed and stabilized before development can begin on another section.

Board members identified several artifact errors within the materials submitted by the applicant and requested staff review these items with the applicant.

Supervisor Lawrence moved to set a public hearing on the Horus Virginia I, LLC, siting agreement (PH2024-04) for March 19, 2024 at 6:30 pm or as soon thereafter as the matter may be heard. 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

11) *Board of Supervisors Personnel Committee Items from February 12, 2024*

A. Expiration of Term for Appointments Expiring through April 2024

2024-02-12 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Ashley Hardesty to fill the unexpired portion of Reid Dodson’s term on the Economic Development Advisory Committee, which will expire December 31, 2025.
- Reappoint Lee Coffelt as the Town of Boyce Representative to the Clarke County Sanitary Authority for a four-year term expiring February 15, 2028.
- Reappoint Ryan Reed to the Planning Commission for a four-year term expiring April 30, 2028.
- Reappoint Buster Dunning to the Planning Commission for a four-year term expiring April 30, 2028.
- Reappoint Gwen Malone to the Planning Commission for a four-year term expiring April 30, 2028.
- Recommend the reappointment of Stephanie Gray as the Career Representative to the Lord Fairfax Emergency Medical Services Council for a one-year term expiring June 30, 2025.
- Recommend the reappointment of Carolyn Trent as the Medical Professional to the Lord Fairfax Emergency Medical Services Council for a one-year term expiring June 30, 2025.
- Recommend the reappointment of Bryan Conrad as the Volunteer Representative on the Lord Fairfax Emergency Medical Services Council for a one-year term expiring June 30, 2025.

2024-02-20 Action: Chris Boies reviewed the above summary.

Supervisor McKay moved to approve the Personnel Committee recommendations 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

12) Board of Supervisors Work Session Items from February 12, 2024

Board of Supervisors Work Session Items
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611
February 12, 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, Brenda Bennett, Mike Legge

Others Present: Wayne Armbrust, Rod DeArment, Mark Inboden

Press Present: None

2024-02-12 Summary: At 10:02 am, Chairman Weiss called the meeting to order.

A. Clarke County Sanitary Authority Water & Sewer Utility Master Plan: The Board heard the following presentation by Mark Inboden, CEO of Inboden Environmental Services, Inc.:

UTILITY MASTER PLAN
CLARKE COUNTY SANITARY AUTHORITY

Utility Overview

- ▶ The CCSA operates public water and sewer systems that serve the following communities:
 - ▶ Town of Boyce
 - ▶ Millwood
 - ▶ White Post (Water Only)
 - ▶ Waterloo Commercial area
- ▶ Water utilities includes a spring fed water treatment plant that provides water to the distribution system including three elevated water towers and a pump station.
- ▶ Sewer utilities includes a collection system comprised of a mix of gravity lines and force mains that conveys sewage to the Boyce WWTP where it is treated and discharged to Roseville Run.

Executive Summary

The purpose of the Utility Master Plan is to provide the CCSA with the information needed to develop its future utility availability fees by developing the cost of projected Capital Improvement Projects

IES has operated the CCSA's water supply systems and sewage collection and treatment systems since 2004, and at the request of the CCSA, developed this Utility Master Plan

Supporting Documentation

Relevant County Plans
2022 Comprehensive Plan
2014 Economic Development Strategic Plan
2016 Waterloo Plan
2018 Water Resources Plan
Other reports, plans, and documents related directly to CCSA

Limitations and Exclusions of the Plan

- ▶ Plan is based on future conditions over the next 25 years (2023-2048)
- ▶ Does not forecast potential projects and costs from the following:
 - ▶ Unforeseen growth
 - ▶ Expansion of the water and sewer service area
 - ▶ Unexpected failure of infrastructure
 - ▶ Effects of accidents or natural disasters on infrastructure or water source.

Plan Section 2 Water Treatment and Supply Infrastructure Assessment

- Supply relies on a single spring. CCSA has not identified back-up or replacement sources.
- The distribution network has a high percentage of loss mostly due to leaks. Fresh water losses for CCSA averaged about 36% from 2014 through 2021.
- The pumping and storage tank systems are in adequate condition.
- One of the three system storage tanks is subject to replacement in the planned future. (Whitepost Water Tower)

**Plan Section 3
Sewer Collection
and Treatment
Assessment**

- The collection system has a number of components with reliability and condition issues including Roseville and Virginia Ave. Lift stations, which are critical choke points. These lift stations are maintenance intensive.
- The wastewater treatment plant is the primary driver of O&M costs.
- The biological treatment trains have sufficient capacity, but peak loading can push the system to the limits of its nutrient removal capacity.

**Plan Section 4
Conclusions on
Future Water and
Sewer Demand**

- Used a constant growth rate of 1.6% over the next 25 years
- Some piping upgrades and repairs should be made to the water distribution system over the coming years.
- Water distribution piping repairs should be focused on reducing the percentage of produced water lost to leakage.
- The sewer collection system will primarily require significant upgrades to the lift stations and maintenance to the manholes in the gravity collection network.
- The wastewater treatment plant will likely have sufficient capacity (See sections 3.1.3) in the mid-term; however, additional biological treatment capacity will likely become necessary around 2040.

25,000GPD reserved for the Waterloo Commercial District in 2000 with 15,500GPD currently being used

**Plan Section 5
Recommended
Capital
Improvement
Projects**

- Proposed CIP projects are based on water demand, sewer flow projections, and major renovation needs identified by the CCSA and IES.
- IES obtained estimates where possible and developed rough engineer's opinions of probable cost for recommended capital improvement projects.
- The recommended water system capital improvement projects are expected to have a total present cost of ~\$10,216,000 (preliminary number) over the course of twenty-five years.
- The recommended sewer system capital improvement projects are expected to have a total present cost of ~\$9,032,000 (preliminary number) over the course of twenty-five years.

The Board asked questions and discussed the various aspects of the Sanitary Authority's plan. It was acknowledged that these are necessary repairs but also very expensive costs to spread over a relatively small customer base. Grants and the issuance of debt were discussed as possible methods to fund some of the larger aspects of the plan.

At 11:49 am, Chairman Weiss adjourned the meeting.

2024-02-20 Action: Chris Boies reviewed the above summary.

13) *Board of Supervisors Finance Committee Items from February 12, 2024*

A. Bills and Claims

2024-02-12 Summary: Following review, the Finance Committee recommends approving the January 2024 Invoice History report.

2024-02-20 Action: Chris Boies reviewed the above summary.

Supervisor McKay moved to approve the January 2024 Invoice History Report 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

B. Standing Reports

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

2024-02-20 Action: Information Only.

14) *Joint Administrative Services Board Update*

The Joint Administrative Services Board has not met.

15) *Government Projects Update*

Chris Boies provided the following update:

- The capital budget for the current year includes installation of two generators: one to replace the aging unit at the 911 dispatch center and the other for new communications equipment installed on the Westwood tower recently. Bids for this project opened recently. The winning bid is approximately half of the budget price but the estimated project completion time is 39 weeks.

- Savings on the generator fund will be needed to fund some repairs at the recreation center. There are some minor wall cracks towards the back of the building and a geotechnical report recommends that the footings be underpinned with concrete or piers. A cost estimate has not been obtained yet and staff will also explore the possibility of insurance covering some of the costs.
- A preliminary design for renovating the circuit courtroom is in process, with a goal to improve the functionality of that space. A preliminary cost estimate on that design shows expected costs to be much higher than the \$300,000 programmed in the Capital Improvements Plan. Staff will work through a value engineering process to try to get the project closer to the original budget.
- Design work is almost complete on the pump station and force main at Double Tollgate. Frederick Water estimates the project will go out to bid in mid-March, with bids being due April 23. Easement acquisition is currently underway. The county still needs to execute a financing agreement before construction contracts are signed; staff is awaiting a draft agreement from Frederick Water.

16) *Miscellaneous Items*

None presented.

17) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes	Catherine Marsten
2.	Execute appointment & appreciation letters	David Weiss
3.	Process personnel appointments	Catherine Marsten
4.	Advertise public hearings	Catherine Marsten
5.	Draft resolution on Millwood speed tables	Chris Boies
6.	Invite Sheriff to Work Session to discuss Transportation Plan	Chris Boies
7.	Process bills & claims	Brenda Bennett

18) *Board Member Committee Status Reports*

Supervisor Matthew Bass

Library Advisory Council

- Requests calendar from CCSO sale.

Litter Committee

- Planning an Earth Day event for the community.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Considering a bill that removes local control of solar facilities.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Will meet February 23.

Northwestern Regional Juvenile Detention Center Commission

- Nothing to report.

Sheriff's Office

- Discussed increased traffic enforcement on Route 7.

Town of Berryville

- Nothing to report.

Parks and Recreation Advisory Board

- Held organizational meeting. Tracy Smith is the Chair, Mitch Hoff the Vice Chair and Tom Elliston is Secretary.

Supervisor Bev McKay

Town of Boyce

- Nothing to report.

Northern Shenandoah Valley Regional Commission

- Working on Winchester Area Metropolitan Transportation study.

Regional Airport Authority

- Nothing to report.

Economic Development Advisory Committee

- March 18-23 will be Restaurant Week.

Conservation Easement Authority

- 10th annual award for excellence was given to the Dorsey Family, who has over 700 acres in easement.

Sanitary Authority

- Trying to collect balances due on delinquent accounts.

Vice Chair Terri Catlett

Career and Technical Education

- 2024 Widget Cup competition on April 11 at Millbrook.
- Offering an automotive mechanic credentialing program with Tristate Nissan.

Clarke County Humane Foundation

- Discussing property maintenance and fencing needs.

Village of Millwood

- Update on speed tables project already provided.

Planning Commission

- Update on solar application already provided.

Community Policy & Management Team

- Will be holding a retreat to discuss and revise the CPMT strategic plan.

Supervisor Doug Lawrence

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Decided to meet only three times this year.

Board of Social Services

- Will meet February 21.

School Board

- Discussing various budget scenarios.

Regional Jail Authority

- Meets Thursday.

Broadband Implementation Committee

- Disagreements about responsibility for pole replacements, legislature is going to make final determination.

Chairman David Weiss

Historic Preservation Commission

- Pursuing grant funding to develop formal standards and guidelines.

Berryville Town Council

- Scheduled an April 1 work session for the Friant property rezoning.

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Update already provided.

Board of Septic and Well Appeals

- Nothing to report.

Industrial Development Authority

- Elected annual officers, but no other action items.

19) *Adjournment*

Chairman Weiss adjourned the meeting at 4:05 pm.

20) *Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, March 19, 2024, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: February 20, 2024

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten