



# Clarke County Planning Commission

**AGENDA – Work Session**

**Tuesday, July 9, 2024 – 3:00PM**

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

For more information on this public meeting, please contact the Clarke County Department of Planning at (540) 955-5132 or visit the Clarke County website at [www.clarkecounty.gov](http://www.clarkecounty.gov).

<b>1</b>	<b>Approval of Agenda</b>	<b>p.1</b>
<b>2</b>	<b>Appoint Temporary Chair for Discussion of <u>SUP-23-03/SP-23-04</u>, Harry Z. Isaacs % Long Branch Farm</b>	--
<b>3</b>	<b>Review of July 12 Business Meeting Agenda Items</b>	--
A	Conflict of Interest Statements	--
B	Agenda Review	--
C	Status of Deferred Applications	--
<b>4</b>	<b>Old Business – None Scheduled</b>	--
<b>5</b>	<b>New Business</b>	--
A	<u>Discussion</u> , Development of New Zoning District for Double Tollgate Plan Area	<b>pp. 2-17</b>
	-- Staff memo	pp. 2-3
	-- Materials from June 18 Board of Supervisors meeting packet	pp. 4-17
B	Mid-Year Review of Project Priority List	<b>pp. 18-20</b>
<b>6</b>	<b>Adjourn</b>	--



**Clarke County Department of Planning**  
**Berryville-Clarke County Government Center**  
**101 Chalmers Court, Suite B**  
**Berryville, VA 22611**

**TO: Planning Commission**

**FROM: Brandon Stidham, Planning Director**

**RE: Discussion, Development of New Zoning District for Double Tollgate Plan Area**

**DATE: July 3, 2024**

At their meeting on June 18, the Board of Supervisors adopted a resolution to approve the purchase of a 40.57 acre lot (Tax Map #27-A-10) from the Commonwealth of Virginia that is part of the former Camp 7 property. This lot is located in the Double Tollgate Plan Area, specifically within Sub-Area C (“Other State Properties”). Once the purchase is finalized, the Board will deed the lot to the Clarke County Industrial Development Authority (IDA) with the direction “to develop a plan for the highest and best use of the property” to include necessary infrastructure improvements so that it may be used for economic development purposes.

The Board’s resolution includes the following direction to the Planning Commission:

*The Clarke County Planning Commission is directed to work with the Board of Supervisors and IDA to develop a new zoning district for the future rezoning of this property for a business park. The new zoning district should carefully consider potential industrial and business uses, setbacks, screening requirements, and other appropriate considerations for a successful business park.*

A new zoning district is necessary because the Zoning Ordinance does not contain a district that allows for industrial and business park uses to be conducted in Double Tollgate. The Business Park (BP) zoning district can only be applied to properties within the Berryville Annexation Area and the former Light Industrial (IL) zoning district was removed from the Zoning Ordinance in the early 2000s.

To prepare for work on this project, the Board and IDA will be holding a special joint meeting on Thursday, July 25 at 1:00PM to discuss potential uses for the lot with representatives from the Virginia Economic Development Partnership. Two members of the Planning Commission are invited to attend this meeting so the first action item for the Work Session will be to determine which commissioners will attend this joint meeting.

The second action item will be to determine which standing committee will work with Staff on developing the new zoning district for Double Tollgate. Both the Policy & Transportation Committee and the Ordinances Committee are assigned text amendment projects. The Policy & Transportation Committee typically works on text amendments to address policy issues whereas the Ordinances Committee focuses mainly on text amendments of a technical nature. Both

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committees recently finished their work tasks and have no upcoming work scheduled so work on the new zoning district can be assigned to either committee at the Commission's discretion. Staff expects committee work to begin in September.

Also per the Board's resolution, the Commission is directed to work with the IDA on development of the new zoning district. Staff recommends inviting two IDA members to attend and participate as non-voting members with the Committee to which the task is assigned. This will help to ensure that the resultant text amendment is consistent with both the Board's and the IDA's goals and expectations.

Chris Boies will attend the Work Session to address this project and answer any questions that you may have. If you have any questions or comments prior to the meeting, please do not hesitate to contact me.

# Clarke County Board of Supervisors



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**Terri T. Catlett-Vice Chair**  
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**Russell Voting District**  
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**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

To: Board of Supervisors

From: Chris Boies

Re: Camp 7 Property Purchase

Date: June 11, 2024

As the Board is aware, the County has been working for years to create new economic development opportunities at Double Tollgate. This work has included approving agreements and funding for projects with Frederick Water to bring public water and sewer access to the area. The Board has also approved amendments to the Double Tollgate Area Plan, an implementing component plan of the 2022 Clarke County Comprehensive Plan, to include the former Camp 7 properties in the plan area. The former Camp 7 property includes three separate parcels:

Tax Map Parcel 27-A-10C consists of 65 acres purchased by Rappahannock Electric Cooperative for \$1 million and rezoned to Highway Commercial with proffers for the development of a regional facility for the Cooperative. The construction of this facility is still several years out.

Tax Map Parcel 27-A-10 consists of 154 acres deeded to the Virginia Department of Military Affairs for use as a regional training facility for the Virginia National Guard. The property is zoned AOC but is not subject to zoning regulations as long as it remains under the Commonwealth's ownership.

Tax Map Parcel 27-A-10A consists of 40.57 acres that the Department of Corrections has designated as surplus and which the Department of General Services (DGS) has offered to sell to the County. This property includes the old brick prison building and a number of accessory buildings and is currently zoned AOC.

The County proposes to purchase the 40.57 acres for \$100,000 and to deed the property to the Clarke County Industrial Development Authority (IDA) for development as a business park. The attached resolution would authorize that transaction. Funding for the purchase would come from the County's fund balance, where there is currently a \$150,000 designation for economic development. The resolution includes language to amend the FY25 budget for this purchase. If the Board approves the resolution, staff will work with DGS and the IDA to finalize the details of the property acquisition.

Following acquisition, a number of tasks will need to be completed to develop the property. There is not currently a county zoning district that allows business parks, so a new zoning district will need to be created by the Planning Commission and approved by the Board. This new zoning district will spell out uses allowed in that district, building setbacks, screening requirements, and other appropriate provisions. After receiving a

recommendation from the Planning Commission, the Board would then need to approve the rezoning of the subject property to that new zoning district. Both the creation of the new zoning district and the rezoning of the subject property are actions that will require public hearings be held by both the Planning Commission and the Board.

Once the IDA owns the property, they will need to assess the viability of using the existing prison building, examine the road, water, and sewer infrastructure necessary to develop the remainder of the property, identify target businesses and industry, find funding sources to complete necessary building and infrastructure projects. The IDA will eventually market the building and business lots for projects that will increase county tax revenues and create jobs for local residents. County staff, various consultants and other contractors will assist the IDA with this work.

Currently, sewer service is projected to be available at the end of calendar year 2025. Work on the creation of a new zoning district and the planning and construction of necessary infrastructure on this property can occur concurrently with the sewer project. Because it is owned by the Commonwealth, no tax revenues are currently collected from this 40.57 acre tract. The right mix of business and industry will generate revenue from real estate, personal property, machine and tools, and other taxes. In addition, we anticipate commercial development at the Double Tollgate intersection to bring in additional meals tax and cigarette tax revenues.

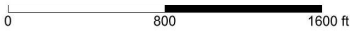
Staff recommends that, if this resolution is approved, a joint meeting of the Board and IDA be held this summer to set expectations and establish priorities for this project. The Planning Commission Chair and Vice Chair could also be invited to this meeting, which could be held at the subject property.



- Public
- Parcels
- Parcels With Ortho
- Clarke County Boundary
- Major Roads
  - Interstate
  - US Highway
  - State Highway
- Surrounding Counties Op
- Surrounding Counties Non



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## **Resolution for the Purchase of the Former Camp 7 Property (Tax Map Parcel 27-A-10A) 2024-09R**

**WHEREAS** the Industrial Development Authority of the Clarke County, Virginia (“IDA”) was formed to promote economic development activities in Clarke County; and

**WHEREAS** by letter dated November 16, 2023, attached hereto as Exhibit A, the Commonwealth (the “Commonwealth”) of Virginia Department of General Services (“DGS”) notified Clarke County, Virginia (the “County”) of certain surplus property comprised of 40.57± acres available for possible acquisition located on Ray of Hope Lane (Tax Map Parcel 27-A-10A; the “Property”); and

**WHEREAS** the Property was formerly used by the Virginia Department of Corrections and has been owned by the Commonwealth; and

**WHEREAS** in accordance with Code of Virginia Section 2.2-1156, as it may be amended from time to time, the County was invited to submit a proposal for the use of the Property for a bona fide economic development activity; and

**WHEREAS** the County prepared such a proposal as outlined in a letter dated December 20, 2023, attached hereto as Exhibit B, which was subsequently accepted by DGS; and

**WHEREAS** the County supports and will provide funding for the purchase of the Property, the title to which will be held by the IDA; and

**WHEREAS** the DGS is willing to quitclaim whatever right, title, and interest it has to the Property to the IDA, in its “AS-IS, WHERE-IS” condition;

**NOW, THEREFORE, BE IT RESOLVED** that the Clarke County Board of Supervisors hereby approves the purchase of the Property for \$100,000, to be deeded to the IDA for economic development purposes:

1. Authorization of Transactions. The acquisition of the Property described above in the Recitals to this resolution is hereby approved, together with all related and incidental transactions not specifically recited that may be necessary or appropriate to give effect to the transaction, as determined by County staff or legal counsel (“Transaction Documents”).

2. Authorization for the Execution of Documents. The IDA Chair and Vice Chair are each independently authorized to execute and deliver on behalf of the IDA, and if required, the Secretary is authorized to affix and attest the seal of the IDA to the Transition Documents as may be necessary to effect the approvals herein granted. The above named officers of the Authority are further authorized to execute and deliver on behalf of the IDA such other instruments, documents, or certificates, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized and contemplated by this resolution, and all of the foregoing, previously done or performed by such officers of the IDA, are in all respects, approved, ratified, and confirmed.
3. General Authority. From and after the execution and delivery of the Transaction Documents and other related documents, if any, hereinabove authorized by this resolution, the proper IDA officers, agents, and employees are authorized, empowered, and directed to do all such things and to execute all such documents and instruments as may be necessary to carry out and comply with the provisions of the documents executed, and further are authorized to take any and all additional actions and to execute and deliver any and all other certificates and documents as may be necessary in the execution and delivery of the Transaction Documents.
4. Effect of Resolution. This resolution shall take effect immediately upon adoption.

**AND BE IT FURTHER RESOLVED** the following actions are approved as part of this resolution to purchase the Property:

1. Budget Amendment. “Be it resolved that FY 25 Capital Projects Fund budget and expenditure appropriation be increased in the amount of \$100,000, and that fund balance designation for Economic Development be decreased by the same amount, all for the purpose of purchasing Tax Map Parcel 27-A-10A from the Commonwealth.”
2. Zoning District Creation. The Clarke County Planning Commission is directed to work with the Board of Supervisors and IDA to develop a new zoning district for the future rezoning of this property for a business park. The new zoning district should carefully consider potential industrial and business uses, setbacks, screening requirements, and other appropriate considerations for a successful business park.
3. Development of the Property. The IDA is instructed to develop a plan for the highest and best use of the property, examine the possibility of reusing the existing prison building, examine potential road, water, and sewer infrastructure necessary for the development of the rest of the property, research and apply for grants and other funding available for the prison building renovation and installation of necessary infrastructure for the development of the property, and eventually market and attract new businesses to the property, which will increase county tax revenues and create new employment opportunities for local residents, as allowed in the newly created zoning district.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the 18<sup>th</sup> day of June, 2024.

ATTEST 2024-09R

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David S. Weiss, Chair





COMMONWEALTH of VIRGINIA  
*Department of General Services*

Division of Real Estate Services

Michael C. Nolan  
Director

1100 Bank Street, Third Floor  
Richmond, Virginia 23219  
Telephone: (804) 371-7200  
Fax: (804) 225-4673

November 16, 2023

Mr. Chris Boies  
County Administrator  
County of Clarke  
Berryville-Clarke County Government Center  
101 Chalmers Court, Suite B  
Berryville, Virginia 24521

**RE: Surplus Property – The Department of Corrections property commonly known as White Post Detention and Diversion Center (WPDD), located at 201 Ray of Hope Land, White Post, Virginia, and identified as Clarke County Parcel ID # 27-A-10A.**

Dear Mr. Boies:

The Department of Corrections property known as the former White Post Detention and Diversion Center located at 201 Ray of Hope Lane, White Post, Virginia and identified as Parcel ID 27-A-10A located in the Clarke County has been identified as surplus to the needs of the Commonwealth of Virginia. We are providing this notice to commence the 180-day period within which you may submit a proposal for the use by the County of the property for a bona fide economic development activity in accordance with Virginia Code §2.2-1156.C (copy enclosed).

We request that you notify us as soon as possible if the County determines it will not submit a proposal. If the County does intend to submit a proposal, we look forward to its receipt within 180 days from the date of this letter. Upon receipt of a proposal, we will review whether the proposal is viable and could benefit the Commonwealth. If viable and of benefit to the Commonwealth, we will negotiate with you for the sale of the property at the property's fair market value as determined by two appraisals pursuant to Section 4-5.10 of Chapter 1 of the 2023 Special Session I Virginia Acts of Assembly (copy enclosed). Please note this opportunity to acquire the property, before it is offered to the public, is also being extended to the Clarke County Economic Development and Tourism.

We have enclosed a copy of the tax card for your reference. For any additional information or questions with respect to the property, please contact Hugh Hubinger, DRES Senior Transaction Manager, at (804) 225-4011 or [hugh.hubinger@dgs.virginia.gov](mailto:hugh.hubinger@dgs.virginia.gov).

It should be noted that the property was found to be eligible for listing on the National Register of Historic Places (NRHP) and Virginia Landmark Register (VLR) under Criteria A for its significance as an example of the transition from mobile prison work camps to permanent facilities during the 1950s and 1960. This property may qualify for historic tax credits, please contact Chris Novelli at (804) 482-6097 or [chris.novelli@dhr.virginia.gov](mailto:chris.novelli@dhr.virginia.gov) with the Department of Historic Resources to determine eligibility.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael C. Nolan".

Michael C. Nolan  
Director

Attachments: (Tax Card, §2.2-1156, Section 4-5.10)

CC: Hugh Hubinger, DRES Senior Transaction Manager

Code of Virginia  
Title 2.2. Administration of Government  
Chapter 11. Department of General Services

**§ 2.2-1156. Sale or lease of surplus property and excess building space.**

A. The Department shall identify real property assets that are surplus to the current and reasonably anticipated future needs of the Commonwealth and may dispose of surplus assets as provided in this section, except when a department, agency or institution notifies the Department of a need for property that has been declared surplus, and the Department finds that stated need to be valid and best satisfied by the use of the property.

B. After it determines the property to be surplus to the needs of the Commonwealth and that such property should be sold, the Department shall request the written opinion of the Secretary of Natural and Historic Resources as to whether the property is a significant component of the Commonwealth's natural or historic resources, and if so how those resources should be protected in the sale of the property. The Secretary of Natural and Historic Resources shall provide this review within 15 business days of receipt of full information from the Department.

C. Upon receipt of the Secretary's review under subsection B and prior to offering the surplus property for sale to the public, the Department shall notify the chief administrative officer of the locality within which the property is located as well as any economic development entity for such locality of the pending disposition of such property. The chief administrative officer or local economic development entity shall have up to 180 days from the date of such notification to submit a proposal to the Department for the use by the locality or the local economic development entity of such property in conjunction with a bona fide economic development activity. The Department shall review such proposal, and if the Department determines that such proposal is viable and could benefit the Commonwealth, the Department may negotiate with the chief administrative officer or the local economic development entity for the sale of such property to the locality or economic development entity. If no agreement is reached between the Department and the chief administrative officer or the local economic development entity for the sale of the property, or if no proposal for the use of the property is submitted to the Department by the chief administrative officer or the local economic development entity within 180 days of notification of the pending disposition of the property, the Department, with the prior, written approval of the Governor, may proceed to dispose of the property as provided in this section.

D. If the surplus property is not disposed of pursuant to subsection C, the sale shall be by public auction, or sealed bids, or by marketing through one or more real estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public auction or sealed bids shall be given by advertisement in at least one newspaper published and having general circulation in the county or city in which the property to be sold is located and be posted on the Department's website. At least 30 days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened.

E. The Department may reject any and all bids or offers when, in the opinion of the Department, the price is inadequate in relation to the value of the property, the proposed terms are unacceptable, or if a need has been found for the property.

F. In lieu of the sale of any such property, or in the event the Department determines there is space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, the Department may, with the approval of the Governor, lease or sublease such property or space to any responsible person, firm or corporation on such terms as shall be approved by the Governor, provided, however, that the authority herein to sublease space leased by the Commonwealth shall be subject to the terms of the original lease. The Department may with the approval of the Governor permit charitable organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code that provide addiction recovery services to lease or sublease

such property or space at cost and on such terms as shall be approved by the Governor, provided such use is deemed appropriate.

The Department shall post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription. The provisions of this section requiring disposition of property through the medium of sealed bids, public auction, or marketing through licensed real estate brokers shall not apply to any lease thereof, although such procedures may be followed in the discretion of the Department.

G. The deed, lease, or sublease conveying the property or excess space shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. Notwithstanding any law to the contrary and notwithstanding how title to the property was acquired, the deed or lease may be executed on behalf of the Commonwealth by the Director of the Department or his designee, and such action shall not create a cloud on the title to the property.

In the event that the Department determines that a boundary line of a surplus property requires adjustment, the Department may work with the adjacent landowner to adjust the boundary line and to transfer property to, or acquire property from, such adjacent landowner. In the event the Department determines that granting or accepting an easement over surplus property or the property of the adjacent landowner would facilitate the transfer of the surplus property, the Department may enter into any such easement on behalf of the department, agency, or institution in possession or control of the property, provided, however, that any such easement shall be in a form approved by the Attorney General and subject to the written approval of the Governor. The terms of the sale, lease, or sublease shall be subject to the written approval of the Governor.

H. An exception to sale by sealed bids, public auction, or listing the property with a licensed real estate broker may be granted by the Governor if the property is landlocked and inaccessible from a public road or highway. In such cases, the Department shall notify all adjacent landowners of the Commonwealth's desire to dispose of the property. After the notice has been given, the Department may begin negotiations for the sale of the property with each interested adjacent landowner. The Department, with the approval of the Governor, may accept any offer that it deems to be fair and adequate consideration for the property. In all cases, the offer shall be the best offer made by any adjacent landowner. The terms of all negotiations shall be public information.

I. Subject to any law to the contrary, 50 percent of the proceeds from all sales or leases, or from the conveyance of any interest in property under the provisions of this article, above the costs of the transaction, which costs shall include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall be paid into the State Park Acquisition and Development Fund, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining 50 percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of the transactions, shall be deposited in the general fund of the state treasury. The Department of Planning and Budget shall develop guidelines that allow, with the approval of the Governor, any portion of the deposit in the general fund to be credited to the agency, department or institution having control of the property at the time it was determined surplus to the Commonwealth's needs. Any amounts so credited to an agency, department or institution may be used, upon appropriation, to supplement maintenance reserve funds or capital project appropriations, or for the acquisition, construction or improvement of real property or facilities. Net proceeds from sales or leases of special fund agency properties or property acquired through a gift for a specific purpose shall be retained by the agency or used in accordance with the original terms of the gift. Notwithstanding the foregoing, income from leases or subleases above the cost of the transaction shall first be applied to rent under the original lease and to the cost of maintenance and operation of the property. The remaining funds shall be distributed as provided herein.

J. When the Department deems it to be in the best interests of the Commonwealth, it may, with the approval of the Governor, authorize the department, institution or agency in possession or control of the property to dispose of

surplus property in accordance with the procedures set forth in this section.

1968, c. 717, § 2.1-106.7; 1970, c. 202; 1972, c. 763; 1977, c. 672, § 2.1-512; 1978, c. 545; 1981, c. 104; 1984, c. 641; 1989, c. 687; 1991, c. 679; 1995, c. 399; 1998, c. 466; 2001, c. 844; 2002, c. 281; 2004, c. 997; 2009, c. 612; 2011, cc. 659, 675; 2016, c. 291; 2018, c. 825; 2019, cc. 659, 660; 2021, Sp. Sess. I, c. 401; 2022, c. 761.

## VIRGINIA STATE BUDGET

2023 Special Session I

### Budget Bill - HB6001 (Chapter 1)

Bill Order » Part 4: General Provisions » Special Conditions and Restrictions on Expenditures » Item 4-5.10

Surplus Property Transfers for Economic Development

#### Item 4-5.10

##### § 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D I, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and Appropriations and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

e. Notwithstanding any provision of law to the contrary, the Commonwealth of Virginia shall begin the process to convey, as is and pursuant to § 2.2-1150, approximately 432 acres of land located within County of York, Virginia, known as Tax Parcel 12-00-00-003 (the Property) to the Eastern Virginia Regional Industrial Facility Authority, or any of its members, subsidiaries or affiliates (hereinafter referred to Authority) for an amount not to exceed \$1,350,000. The Commonwealth of Virginia shall provide to the Authority copies of the two most recent state appraisals for 150-200 acres for the parcel, and in no case shall the transaction price per acre exceed the average of the two most recent state appraisals. The Authority shall have the right to waive the appraisal requirement. The Authority shall reimburse the Commonwealth of Virginia, at property closing, for the appraisals and other Commonwealth of Virginia costs to prepare and execute the conveyance documents. The conveyance of the Property should occur no later than December 31, 2021, but may occur earlier if requested by the Authority. The Authority and its designees shall have the right to enter the Property and to perform due diligence and design studies and activities prior to the conveyance. The Authority shall have the right to file applications and related documents seeking land, zoning and use entitlements, and the Commonwealth is authorized to execute such documents as may be required for such purposes, but without incurring obligations on the Commonwealth by such execution.

1. The Authority is authorized to convey the property rights for portions of the Property conveyed by the Commonwealth in paragraph e., to one or more operators of one or more utility scale solar facilities, or to lease the property rights to such an operator or operators, for an amount as agreed by the Authority and such operator(s).

2. Any remaining Property at the site shall be subject to a deed restriction created in the Commonwealth of Virginia and Authority property sale described herein to restrict the use of such property by the Authority to any non-residential use, as determined by the Authority.

*f. There is hereby created in the state treasury a special subfund of the Virginia Business Ready Sites Program Fund, known as the Site Replacement Fund. The Site Replacement Fund shall be established on the books of the Comptroller. Any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Site Replacement Fund. Interest earned on moneys in the Site Replacement Fund shall remain in the Site Replacement Fund and be credited to it. In addition, notwithstanding the provisions of the preceding subsection b, with respect to sales of property in Henrico County where the Commonwealth has a continuing interest pursuant to that certain Real Estate Purchase Agreement dated May 20, 1996, and any amendments thereto, sales proceeds received by the Commonwealth in excess of the fair market value, as defined in such Real Estate Purchase Agreement, as amended, shall be deposited to the Site Replacement Fund. Moneys in the Site Replacement Fund shall be used in accordance with Section §2.2-2240.2:1, Code of Virginia and the guidelines established by the Virginia Economic Development Partnership Authority for the Virginia Business Ready Sites Program Fund, except that moneys, and any interest thereon, deposited into the Site Replacement Fund pursuant to sales of the aforementioned property in Henrico County shall be maintained for and made available only to the Economic Development Authority of Henrico County, Virginia. Any grant made from the Site Replacement Fund to such Economic Development Authority shall only be from moneys, and any interest thereon, deposited into the Site Replacement Fund pursuant to sales of the aforementioned property in Henrico County. Moneys remaining in the Site Replacement Fund at the end of each fiscal year, including interest, shall not revert to the general fund, but shall revert to the general fund at the end of the fiscal year after the fifth anniversary of the deposit of such moneys in the Site Replacement Fund.*

# Clarke County Board of Supervisors



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December 20, 2023

Michael C. Nolan, Director  
Virginia Division of Real Estate Services  
1100 Bank Street  
Richmond, Virginia 23219  
(sent via email to [michael.nolan@dgs.virginia.gov](mailto:michael.nolan@dgs.virginia.gov))

Dear Mr. Nolan:

We are in receipt of your letter dated November 16, 2023, offering Clarke County the opportunity to submit a proposal for the former White Post Detention and Diversion Center (Parcel 27-A-10A). We appreciate this opportunity and for your guidance thus far in the process. It is our understanding that the property can be purchased from the Commonwealth through the process found in Virginia Code 2.2-1156.C or through two different sections of Budget Bill-HB6001. One of those sections includes capital funding of \$6 million for the demolition of existing buildings on the property.

Clarke County has a long history of careful and deliberate land use planning which has effectively directed residential and business growth to areas where public water and sewer are available. The Double Tollgate intersection, including the former prison property, have been identified in the County Comprehensive Plan as one of the few areas in the County where business growth will be encouraged. We have worked with Frederick Water, a public water and sewer utility in neighboring Frederick County, to bring sewer service to this intersection. The estimated cost to Clarke County for this project is \$7 million and service is expected to be available in early 2026. Sewer service will greatly benefit the other former prison properties owned by the Virginia Inland Port and the Virginia Department of Military Affairs.

If Clarke County is able to acquire the property from the Commonwealth, it is our intent to have our Industrial Development Authority develop the property for economic development purposes. The Virginia Economic Development Partnership (VEDP) has reviewed some scenarios and estimates the property could support 450,000 to 500,000 square feet of development resulting in a projected 64 new jobs and over \$115 million capital expenditure investment. Potential industries identified by VEDP were advanced materials, food and beverage, automotive, renewable energy, and logistics. We expect this property to increase our local tax base, produce new jobs, and assist the Commonwealth in fulfilling its economic development goals.

Clarke County offers the Commonwealth \$100,000 for the property in its current state without the demolition of the existing buildings. We feel this is a fair price given the infrastructure improvements which will be required by the County to develop this property for economic development purposes (sewer, road improvements, demolition of buildings, etc.). The property is currently zoned Agriculture without sewer, which greatly impacts the value. While I understand from your office that the demolition of the buildings is not likely



going to cost the \$6 million found in the budget, it is likely that the Commonwealth could save well over \$1 million by not having to tear down buildings or complete site clean-up.

If the Commonwealth will not accept this offer, we look forward to working with you on the demolition of the buildings on the property and coming to an agreement on a sale price at that time, as directed by the budget bill. I am available to answer any questions you have about this offer and look forward to hearing back from you in the near future.

Very truly yours,

*Chris Boies*

Chris Boies

County Administrator

**2024 PROJECT PRIORITIES – PLANNING COMMISSION**  
**Revised for July 9, 2024 Work Session**

The list is intended to aid the Commission and Staff to ensure that work on critical projects is prioritized and completed in a timely fashion. Project start dates and priorities may be affected by the Commission’s zoning case load (e.g., special use permit applications, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

**Comprehensive Plan/Component Plans**

Review of the Comprehensive Plan and implementing component plans typically are assigned to the Comprehensive Plan Committee for initial development before presentation to the full Planning Commission.

**Updates:**

**1. Five-Year Review and Update of Transportation Plan -- COMPLETED**

~~STATUS – UNDERWAY. Work completed or in progress:~~

- ~~• Final draft completed, VDOT statutory review completed and approved December 2023.~~

~~GOALS FOR 2024:~~

- ~~• Review final draft, make any necessary changes.~~
- ~~• Conduct public hearing and recommend adoption to the Board of Supervisors.~~

**2. Development of New Rural Lands Plan – Agricultural Land Plan, Mountain Land Plan, Village Plan**

STATUS – UNDERWAY. Work completed or in progress:

- Five-year review resolution for Agricultural Land Plan was adopted by the Commission on February 21, 2022.
- Assigned to Comprehensive Plan Committee – initial work began in May 2023.

GOALS FOR 2024:

- Committee work tasks:
  - Finalize issue identification lists for the villages (Millwood and White Post), valley/AOC areas, and mountain/FOC areas.
  - Develop format for outreach workshops in Millwood and White Post, schedule for spring 2024. Refine issues lists based on feedback.
  - Finalize plan layout and goals/objectives/strategies.
- Staff to develop initial draft for Committee review in *early 2025 summer 2024* with goal of presenting final Committee draft to full Commission in *late spring 2025 fall 2024*.
- Commission to finalize draft and conduct public hearing by *summer 2025 end of 2024*.

## Five-Year Review Resolutions Due – None for 2024

### Zoning and Subdivision Ordinance – Potential Text Amendments

Issues that may be developed into Zoning and Subdivision Ordinance text amendments are assigned either to the Policy & Transportation Committee (for substantive policy issues) or to the Ordinances Committee (for technical issues). These Committees are charged with discussing the issues and developing them into draft text amendments for the full Commission's review.

#### 1. TA-23-01, Campground Regulations

STATUS – UNDERWAY. Work completed or in progress:

- Commission developed text amendment, conducted public hearing, and recommended adoption to the Board of Supervisors on September 1, 2023.
- Board requested Commission to evaluate allowing small-scale primitive campgrounds subject to specific use regulations.

GOALS FOR 2024:

- ~~Complete work requested by the Board and provide recommendations.~~  
**COMPLETED**
- If text amended is remanded to the Commission to include changes, conduct new public hearing and provide recommendation to the Board on the revised draft.  
**SCHEDULED FOR JULY 12 BUSINESS MEETING**

#### 2. *Develop new zoning district for Double Tollgate Plan Area per Board of Supervisors' direction.*

STATUS – *JUST ASSIGNED.*

#### 3. Remove assembly activities accessory use from the “country inn” use (Zoning Ordinance) -- **COMPLETED**

~~STATUS – NOT STARTED. To be reviewed by Planning Commission in late winter/early spring 2024. Recommend assignment to the Ordinances Committee.~~

#### 4. Application reviews impacted by text amendments (Zoning and Subdivision Ordinances)

STATUS – Deferred to 2025 work plan per Staff recommendation.

~~NOT STARTED. To be reviewed by Planning Commission in late winter/early spring 2024. Recommend assignment to the Ordinances Committee.~~

#### 5. Require replacement of cesspools and similar nonconforming septic systems in conjunction with subdivisions (Subdivision Ordinance) -- **COMPLETED**

~~STATUS – NOT STARTED. To be reviewed by Planning Commission in late winter/early spring 2024. Recommend assignment to the Ordinances Committee.~~

6. **Require deed of easement and road maintenance agreement for shared access easements (Subdivision Ordinance) -- COMPLETED**

**STATUS – Staff identified solution that does not require a text amendment.**

~~NOT STARTED. To be reviewed by Planning Commission in late winter/early spring 2024. Recommend assignment to the Ordinances Committee.~~

### **Other Projects**

- **Five-Year Review and Update of the Berryville Area Plan.** Work to be conducted by the Berryville Area Development Authority (BADA) supported by County and Town Planning Staffs. BADA initiated review of the Area Plan on May 26, 2021 and began work in summer 2023. Current Area Plan was adopted in May 2016.