



Clarke County Planning Commission

MINUTES – Business Meeting

Friday, October 7, 2022 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	XE
Matthew Bass (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓ E	John Staelin (Millwood)	X
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

E – Denotes electronic participation

NOTE: Bob Glover and Scott Kreider participated electronically due to personal reasons. Commissioner Kreider was not eligible to vote or count toward the quorum as he previously participated electronically for personal reasons in 2022.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer), Jeff Feaga (Preservation Planner / GIS Coordinator)

OTHER PRESENT: Patricia Shorr (representative of Hecate Energy, LLC)

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

1. Approval of Agenda

The Commission voted 9-0-2 to approve the agenda as presented by Staff.

Motion to approve the October 7, 2022 Planning Commission Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE (moved)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

2. Approval of Minutes

A. August 30, 2022 Work Session

The Commission voted 9-0-2 to approve the August 30, 2022 Work Session meeting minutes as presented by Staff.

Motion to approve the August 30, 2022 Planning Commission Work Session meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

B. September 2, 2022 Special Meeting

The Commission voted 9-0-2 to approve the September 2, 2022 Special Meeting minutes as presented by Staff.

Motion to approve the September 2, 2022 Planning Commission Special Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (seconded)	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

Minor Subdivision Application

3. MS-22-04, Chad S. Elsea (Applicant)/Louise Elsea (Owner)

Mr. Camp presented the staff report for the minor subdivision application with no questions or comments from the Commission.

The Commission voted 9-0-2 to recommend approval of MS-22-04, Chad S Elsea (Applicant)/Louise Elsea (Owner) as presented by Staff.

Motion to recommend approval of <u>MS-22-04</u> , Chad S. Elsea (Applicant)/Louise Elsea (Owner) as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

Public Hearing

4. TA-22-04, Boundary Line Adjustment Regulations

Mr. Stidham presented the staff report for this proposed text amendment.

Chair Ohrstrom asked for clarification as to whether the three twenty-acre agricultural lots provided in the scenario were agricultural or residential. Mr. Stidham said they are agricultural and that applicants can do a boundary line adjustment with the residential lot if it is being made into an agricultural lot. Chair Ohrstrom asked how this can be prevented going forward. Mr. Stidham replied that the proposed text amendment would create a new limitation on boundary line adjustments between residential lots zoned as AOC (Agricultural-Open Space-Conservation). He said if the lots are four acres or less, they cannot be increased in size without Planning Commission approval. He said this would also only be considered due to a hardship reason associated with the line such as to correct a minor encroachment of a driveway, fence, or other structure onto an adjoining lot up to a maximum of 10% of the total area or to repair or replace a failing onsite sewage disposal system located on the lot.

Mr. Stidham continued with the examples provided and said no residential lot of less than twenty acres in size approved by maximum lot size exception can be reduced in size by boundary line adjustment without Planning Commission approval for one of two hardship reasons.

Chair Ohrstrom opened the public hearing as there were no questions from the Commission. As there were no comments from the public, Chair Ohrstrom closed the public hearing.

The Commission voted 9-0-2 to approve **TA-22-04, Boundary Line Adjustment Regulations**, on October 7, 2022 as presented by Staff.

Motion to approve <u>TA-22-04, Boundary Line Adjustment Regulations</u>, on October 7, 2022 as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

Chair Ohrstrom suggested that at some point the Commission should consider defining agricultural and residential lots in the Zoning and Subdivision Ordinance as sometimes they can mean different things. Mr. Stidham added that twenty-acre lots could also be addressed at that time as well.

Schedule Public Hearings

5. SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC (applicants)/Debra Diane Davis, Administrator of the Estate of Montie Wood Gibson, Jr. (owner deceased)

Mr. Camp presented the staff report for this special use permit and site plan application.

Chair Ohrstrom asked the representatives of Hecate Energy, LLC about project delays and also asked about the size differential of the two phases even though they are both shown to be 10 megawatt facilities. He said it seems phase 2 is much bigger than phase 1 and said he is curious to understand why. Chair Ohrstrom invited Patti Shorr, Hecate Energy, LLC's Senior Vice President of Product Development to the podium. Ms. Shorr said the drawing shown of phase II is only a partial site plan which explains why it appears smaller than phase 1.

Ms. Shorr addressed Chair Ohrstrom's first question by saying they did not wait and that they had been in regular conversation with the Planning Department on an annual basis. She continued that the market had significantly changed in the past five years and that the first phase of the project was large in terms of solar development. Ms. Shorr commented that the energy from that project is being sold to ODEX and that five or six years ago in order for a project to get financed, one had to have someone who is buying the power. She explained that as the market developed, there is more about merchant offtake where in order to get a project financed now, it is not as necessary to have a power purchase agreement. She said it is a relatively new market dynamic where they can sell into the PJM wholesale marketplace and raise bank debt or investor financing. Ms. Shorr said that they did not wait five years but that the first three years after Dominion had purchased the project, they submitted about 30 RFP opportunities for offtake. She said shortly after that, the pandemic happened which led to them continuing projects that started three to four years ago due to supply chain disruption. Ms. Shorr said they continue to pay county property taxes and also rent to Mr. Gibson and to his estate.

Chair Ohrstrom noted that he had been reading about the solar industry and said he was under the impression that selling into PJM area requires the company to be part of a queue. Ms. Shorr said their queue number is AC2174 and that they have a wholesale market participation agreement with PJM and for energy. She said they have had that queue position for five years but that phase 1 and phase 2 had different queue positions. She added they put their wholesale market participation agreement in suspension as they were not able to secure offtake. She said they are now off suspension and that Staff is fully aware of that information. Chair Ohrstrom asked if the site plan is approved, would they have to wait for PJM to give approval before they rebuilt or would they have to do this process again. Ms. Shorr said they could go ahead and build.

Commissioner Bass asked Chair Ohrstrom and Ms. Shorr to clarify their conversation for the rest of the Commission. Chair Ohrstrom explained that phase 1 was built and sold to Dominion and phase 2 is the project that the Commission is reviewing now. He said he was asking if Hecate Energy, LLC had a connection approved with PJM. He further explained that PJM stands for our Pennsylvania, Jersey, and Maryland grid management area. He said he heard there are so many solar projects that PJM and other grid organizers have put a moratorium on approving them. He said if they do not have the energy or place in the queue, it may be a while before the project is approved and we could face this exact situation again. Ms. Shorr added that for Hecate to put their project on the electrical wires, they have to have a queue

position and also an interconnection agreement. She said they have a wholesale market participation agreement with PJM and a small generator interconnection agreement with Rappahannock Electric Cooperative. She also wanted to clarify that PJM is not exactly putting a moratorium on projects, but more so resetting their process.

Chair Ohrstrom said another topic of discussion relating to this project was the idea of a berm to keep water on the site. He said it might also keep water from Route 340 being able to drain way and he wants to ensure the nearby homeowners are aware of that situation and have the chance to address their concerns. Mr. Stidham said the Commission indicated that a site visit before the next meeting would be helpful to better understand the plans and layout.

The Commission voted 9-0-2 to set public hearing for SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC as presented by Staff.

Motion to set public hearing for <u>SUP-22-03/SP-22-04, Hecate Energy Gun Barrel Road Solar, LLC; Hecate Energy, LLC</u> as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Kreider	INELIGIBLE
Bass	AYE (moved)	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

6. 2022 Double Tollgate Area Plan

Mr. Stidham reviewed the changes that were discussed in the work session and provided within the staff report. There were no questions from the Commission.

The Commission voted 9-0-2 to set public hearing for the 2022 Double Tollgate Area Plan as presented by Staff.

Motion to set public hearing for 2022 Double Tollgate Area Plan as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

7. TA-22-05, Waterworks and Sewerage System and Treatment Works Regulations

Mr. Stidham said this is a text amendment to a 2005 Waterworks and Sewerage System and Treatment works regulations that was discussed thoroughly at the work session. There were no questions from the Commission.

The Commission voted 9-0-2 to initiate consideration of and to set public hearing for TA-22-05, Waterworks and Sewerage System and Treatment Works Regulations as presented by Staff.

Motion to initiate consideration of and to set public hearing for <u>TA-22-05</u>, Waterworks and Sewerage System and Treatment Works Regulations as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

8. TA-22-06, Structures or Portions of Structures Permitted in Required Setback Areas

Mr. Stidham reviewed the above-mentioned text amendment and what was discussed at the work session. There were no questions or concerns from the Commission.

The Commission voted 9-0-2 to initiate consideration of and to set public hearing for TA-22-06, Structures or Portions of Structures Permitted in Required Setback Areas as presented by Staff.

Motion to initiate consideration of and to set public hearing for <u>TA-22-06</u>, Structures or Portions of Structures Permitted in Required Setback Areas as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

Board and Committee Reports

9. Board and Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass said the Board of Supervisors started their meeting with a moment of silence for Douglas Kruhm and also Jamey Poe who both recently passed.

Commissioner Bass said the Comprehensive Plan was passed by the Board of Supervisors and he thanked everyone involved for a job well done. He said the Board is looking forward to the Double Tollgate Area Plan to be involved with the re-envisioning that area of the county.

Commissioner Bass noted that on November 2nd there will be an open house type of presentation for the courthouse square design ideas. When asked by Commissioner Lee of the location, Commissioner Bass replied he would get the answer and let him know.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Chair Ohrstrom noted the BSA needs to re-staff their members since Anne Caldwell retired and Joe Blatz is moving.

Board of Zoning Appeals (Jeremy Camp)

Nothing to report

Historic Preservation Commission – HPC (Bob Glover)

Mr. Camp said the HPC last met on September 21, 2022 with a public hearing for a historic home at 279 White Post Road where the homeowner submitted an application for work. He said the meeting was continued on September 27th where the application was then approved.

Conservation Easement Authority - CEA (George L. Ohrstrom, II)

Chair Ohrstrom said the CEA has looked at some very interesting properties recently. He also noted CEA’s annual appreciation event on October 21st at his barn at Camden.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham reported that Rappahannock County briefly went rogue and did not initially approve the county’s first VATI grant payment. They ultimately ended up voting to authorize the payment and all future payments at a subsequent meeting.

10. Other Business

Mr. Stidham reviewed the November 1, 2022 Work Session and November 4, 2022 Business Meeting items.

Adjournment:

The Commission voted 9-0-2 to adjourn the October 7, 2022 Planning Commission Business Meeting at 9:53AM.

Move to adjourn the October 7, 2022 Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	INELIGIBLE
Bass	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	ABSENT
Hunt	AYE		

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)