

# Clarke County

---



## **PLANNING COMMISSION REGULAR MEETING MINUTES 2011 March 4**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, 2011 March 4.

Chair Ohrstrom called the meeting to order at 9:05 a.m.

### **ATTENDANCE**

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, Tom McFillen, Bev McKay, Cliff Nelson, Chip Steinmetz, Richard Thuss, and Bob Wade.

### **ABSENT**

A.R. Dunning, Jr. and one position vacant

### **STAFF**

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary.

### **APPROVAL OF AGENDA**

The Commission voted unanimously to approve the agenda.

**Yes:** Brumback, Caldwell (moved), McFillen, McKay, Nelson (seconded), Ohrstrom, Steinmetz, Thuss, and Wade

**No:** No one

**Absent:** Dunning and one position vacant

### **APPROVAL OF MINUTES**

The Commission voted unanimously to approve the briefing meeting minutes of 2011 January 4.

**Yes:** Brumback, Caldwell (moved), McFillen, McKay, Nelson, Ohrstrom, Steinmetz, Thuss (seconded) and Wade

**No:** No one

**Absent:** Dunning and one position vacant

The Commission voted unanimously to approve the regular meeting minutes of 2010 January 7 with one correction.

**Yes:** Brumback, Caldwell (moved), McFillen, McKay, Nelson, Ohrstrom, Steinmetz, Thuss and Wade (seconded)

**No:** No one

**Absent:** Dunning and one position vacant

### **MINOR SUBDIVISION**

**William and Margaret Elliott request approval for a two-lot subdivision for Tax Map 30-((A))-10, located at 1105 Bishop Meade Road, Chapel Magisterial District, zoned Rural Residential (RR). MS-11-01**

Mr. Russell explained this request. He stated that public water and sewer are not available to this parcel and therefore the minimum lot size is 1 acre. He stated that the property was rezoned to rural residential from AOC in October of 2007 with the condition that only one lot could be subdivided. He stated that the Health Department has approved primary and reserve drain field sites. He said that a resistivity test has been conducted for the proposed drain fields on Lot 3 and it has been approved by the County's Geotechnical Consultant Dan Rom. He stated that the applicant has met all the requirements of the Subdivision Ordinance for final approval. After discussion with staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request.

**Yes:** Brumback, Caldwell, McFillen, McKay, Nelson, Ohrstrom, Steinmetz (seconded), Thuss (moved) and Wade

**No:** No one

**Absent:** Dunning and one position vacant

### **TEXT AMENDMENT – SET PUBLIC HEARING**

**The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance: Sections 3-A-1-c, 3-A-2-c, 3-A-3-c, Minimum Setback Requirements in the AOC, FOC, and Rural Residential Zoning Districts so as to increase from 150 to 200 sq ft the size of a structure that would be considered an accessory structure with reduced property line setback requirements. Section 3-E-1-d, Use Regulations in the Flood Plain Overlay District, so as increase the minimum size for a structure allowed in a 100-year flood plain from 150 to 200 square feet. Section 3-C-2-h, Supplemental Regulations for Dwellings of less than 600 square of Heated Area, so that the 600 square foot measurement applies to Living Space (defined in the Building Code as: "Space within a dwelling unit utilized for living, sleeping, eat, cooking bathing, washing and sanitation purposes.") instead of Heated Area, which has no technical definition. TA-11-02**

Mr. Johnston explained this request. He stated that the International Building Code, which is adopted by the Commonwealth of Virginia for use in all local jurisdictions, has increased the minimum area of a structure not requiring a Building Permit from 150 to 200 square feet. He said that the proposed changes would bring the Zoning Ordinance in line with the Building Code. In addition, he said that the term "Living Space" in the Building Code would better define the measurement of less than 600 sq feet dwellings.

There being no further discussion, the Commission voted unanimously to set public hearing for this amendment for the next regular meeting of the Commission on 2011 April 1.

**Yes:** Brumback, Caldwell (moved), McFillen, McKay, Nelson, Ohrstrom, Steinmetz, Thuss and Wade (seconded)

**No:** No one

**Absent:** Dunning and one position vacant

### **MAJOR SUBDIVISION - DISCUSSION**

**H. Robert Showers, Attorney for Salvation Army (Ron Mislowsky, Engineer, PHR&A Agent) requests approval for a 22-lot subdivision for Tax Map Parcels 13-((A))-13 [6 tracts] and 13-((A))-56 located at 642 Westwood Road, Longmarsh Magisterial District, zoned Agricultural Open-Space-Conservation (AOC). S-08-01**

Mr. Russell stated that this is an information discussion only. He said that this property consists of 7 tracts of land. He stated that the Health Department approved all the proposed well and septic sites. He stated that a karst study should be conducted on this project as part of the required Environmental Inventory and Impact Statement, as there have been a number of sinkholes found on the property and to get a better overall review of the property. He spoke briefly regarding the location and access of the property. He stated that the 400-acre area fronts on Westwood Road on the east and on Triple J Road on the west. He said that there is a public road "Refuge Road" off of Westwood Road that will serve lots 9 thru 15 and lot 22. He stated that there is an additional public road "Casey Lane" which comes off of Refuge Road and will serve lots 1 thru 8. He said there is a private road "Raition Lane" that will come off of Triple J Road and serve lots 16 thru 21.

Vice Chair Caldwell suggested that the Subdivision Committee review this item before the Planning Commission moves forward with this project. The Planning Commission agreed by consensus with the suggestion made by Vice-Chair Caldwell. Chair Ohrstrom asked the Subdivision Committee to meet to discuss this proposal.

## **DISCUSSION ITEMS**

### **Double Tollgate Area Plan update**

Mr. Johnston gave a brief discussion regarding this item. He stated that Clarke County was awarded a Planning Grant from the Virginia Department of Housing and Community Development (DHCD) through the Community Development Block Grant (CDBG) Program to identify development potential and an implementation strategy for the Double Tollgate area. He said there is going to be a public information meeting on March 15. He stated that the CLG applications for capital projects are due to DHCD by March 30, 2011. He said that this causes a rush but otherwise they will need to wait another year to apply for the money again for utility improvements. Commissioner Thuss questioned if the County were successful in getting the grant and a deal is made with the Virginia Department of Correction for used of the sewer system at the White Post Correctional Facility what would happen to the sewer plant should the state decide to vacate the DOC property. He asked if the County would be responsible for maintaining the sewer facility. Mr. Johnston stated that a Memorandum of Understanding between the County and the State would formally address this issue; but that the understanding is that the County would take over responsibility for the facility. He stated that we are moving fast on this due to the cut off date but that this is just the start of the planning process for this intersection.

### **2010 Annual Land Use Report**

Mr. Johnston gave an overview of this report. He stated that he would welcome comments from the Commission on how to do the annual report differently. Chair Ohrstrom and Commissioner McKay volunteered to meet with staff to offer new ideas for the annual report.

### **Board/Committee Reports**

Board of Supervisors

– Pete Dunning

Mr. Johnston reported that the Board of Supervisors approved the text amendment regarding Institutional Uses in the AOC, FOC, RR, CN and CH districts and Definitions changing "Institutional" to "Community Services".

Sanitary Authority

– Pete Dunning

No report

Board of Septic & Well Appeals – Pete Dunning  
No report

Board of Zoning Appeals – Anne Caldwell  
No report

Historic Preservation Commission – Cliff Nelson

Commissioner Nelson stated that the last meeting was held on 2011 January 25 and the next meeting is scheduled for 2011 March 22. Mr. Johnston stated that a balloon test was conducted on Tuesday of this week for a proposed cell tower in Jefferson County, West Virginia. He said the proposed cell tower is located 200 feet from the Clarke County line. He stated that he and Commissioner Nelson visited the site when the balloon test was being conducted. He said the proposed cell tower would be just less than 200 feet in height. He stated that the building housing the cell tower equipment would not be visible on the Clarke County side because of the topography.

Easement Authority – George Ohrstrom, II  
Mr. Ohrstrom stated that Ms. Teetor is doing a fantastic job getting grant money from various places.

### Staff Reports

Natural Resource Activities – Alison Teetor

Enforcement Officer – Nancy Olin

Ms. Olin's progress reports for 2011 January 31 thru 2011 February 25 were reviewed.

There being no further discussion, the meeting was adjourned at 10:28 a.m. until the next regular meeting of the Commission on 2011 April 1.

  
George L. Ohrstrom, II, Chair

  
Charles Johnston, Clerk

Minutes prepared by Debbie Bean, Recording Secretary