

CLARKE COUNTY
Planning Commission
Minutes
2010 March 5 – 9:00 a.m.

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, March 5.

Commissioner Ohrstrom called the meeting to order at 9:08 a.m.

ATTENDANCE

George Ohrstrom, II; Chair; Jay Arnold, A.R. Dunning, Jr., Beverly McKay, Cliff Nelson, Kathy Smart, Chip Steinmetz, Richard Thuss, and Bob Wade.

ABSENT

Barbara Batterton and Anne Caldwell

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: Arnold, Dunning, Nelson (seconded), Ohrstrom, Smart (moved), Steinmetz, Thuss, and Wade

No: No one

Absent: Batterton, Caldwell and McKay

APPROVAL OF MINUTES

The briefing minutes of 2010 January 5 were unanimously approved.

Yes: Arnold, Dunning, Nelson (moved), Ohrstrom, Smart (seconded), Steinmetz, Thuss, and Wade

No: No one

Absent: Batterton, Caldwell, and McKay

The Commission voted unanimously to approve the regular meeting minutes of 2010 January 8.

Yes: Arnold, Dunning, Nelson, Ohrstrom, Smart (moved), Steinmetz, Thuss (seconded), and Wade

No: No one

Absent: Batterton, Caldwell, and McKay

The briefing minutes of 2010 February 2 were unanimously approved.

Yes: Arnold, Dunning, Nelson, Ohrstrom, Smart (moved), Steinmetz, Thuss (seconded), and Wade

No: No one

Absent: Batterton, Caldwell and McKay

MINOR SUBDIVISION

Ray Cather (Erin Prentice, agent) requests approval for a two-lot subdivision for Tax Map #7-((A))-7 located at 189 Cather Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-10-04

Mr. Russell explained this request. He stated that the septic and well sites have been approved by the Health Department. He recommended approval on condition that a Deed of Dedication with road maintenance agreement is provided.

Commissioner Dunning asked if the Planning Commissioner representative for that district visited the site. Mr. Russell said that no one has visited the site. Commissioner Dunning stated that the representative of the district should visit the site before approval of the proposed minor subdivision.

Commissioner McKay entered the meeting.

Chair Ohrstrom asked the applicants that if we delay approval of this request until the Planning Commission representative could visit the site if it would cause undue hardship.

Erin and Curtis Prentice, applicants, stated that they want to do the right thing and they do not think a month will make any difference. Commissioner Arnold feels we should not hold up the applicants for approval since it was our fault and not the applicants.

Commissioner Nelson, Planning Commission representative for the district stated he would visit the site today if it would be convenient for the applicants. The applicants said that it would be fine to visit the site after the meeting.

The Commission voted to approve this request on condition of examination of the property by Commissioner Nelson proving there are no difficulties with the site and that a Deed of Dedication with road maintenance agreement will be provided before the Zoning Administrator signs the survey plats.

Yes: Arnold, Dunning, McKay, Nelson (moved), Ohrstrom, Smart, Thuss, and Wade (seconded)

No: No one

Absent: Batterton and Caldwell

Abstain: Steinmetz

Commissioner Nelson visited the site after the meeting and the property proved to have no difficulties and therefore there is no objection for the lot being approved.

MINOR SUBDIVISION

Elizabeth Sell and Matthew Hoff request approval for a two-lot subdivision and maximum lot size exception for Tax Map #20-((A))-18 located at 1437 Old Winchester Road, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-10-02, MLSE-10-02

Mr. Russell explained this request. He stated that the applicant has met all the requirements as required by the County Subdivision Ordinance. He stated that the property has a pre-1980 house and is therefore allowed by right to conduct a maximum lot size exception. Commissioner McKay rode by the property and stated that there appeared to be no difficulties with the proposed site.

The Commission voted unanimously to approve this request as presented.

Yes: Arnold, Dunning (moved), McKay, Nelson, Ohrstrom, Smart (seconded), Steinmetz, Thuss, and Wade

No: No one

Absent: Batterton, and Caldwell

Recently advertised Text Amendments

Mr. Johnston explained that the Winchester Star incorrectly printed the advertisement for the three text amendments set for public hearing at today's meeting. Therefore, he said the text amendments would be re-advertised for public hearing at the next regular meeting of the Planning Commission on 2010 April 2. Commissioner Wade queried the Commission as to whether the members still wanted to hold the public hearing on the proposed amendment that would delete the Special Use for Minor Commercial Public Assemblies in the AOC and FOC zoning districts. The consensus of the Commission was to hold the public hearing as was agreed to at the 2010 January meeting.

2009 Annual Land Use Report

Mr. Johnston gave an overview of this report. He reviewed the fees received in FY 09. He said with the fee increase approved by the Board of Supervisors last month, approximately 50% of the Planning Department's budgets could potentially be covered. Ms. Teetor explained the Conservation Easement Authority information in the Annual Report. Commissioner Dunning complimented Alison for her work on the Conservation Easement Authority.

Board/Committee Reports

Board of Supervisors

– **Pete Dunning**

Commissioner Dunning stated that they have been working on the budget and it is not as bad as some of our neighboring counties. Commissioner Wade complimented the Board of Supervisors for doing such a good job with the budget. Commissioner Dunning said that the text amendment regarding the definition of restaurant was approved and action on the Agricultural and Forestal District Renewal was postponed and the public hearing continued until next month.

Sanitary Authority

– **Pete Dunning**

He stated that there are several parties interested in developing in the Double Tollgate area if a water and sewer services were available.

Board of Septic & Well Appeals

– **Pete Dunning**

Nothing to report.

Board of Zoning Appeals

– **Anne Caldwell**

Nothing to report.

Historic Preservation Commission

– **Cliff Nelson**

Commissioner Nelson stated that the last Commission meeting was on 2010 January 26. He said that it met in White Post for a public hearing on the property behind 279 White Post Road. He said the property owner's request for demolition of the existing structure on-site was denied. He stated that the next Commission meeting is scheduled for 2010 March 23.

Conservation Easement Authority

– **George Ohrstrom, II**

Ms. Teetor said the Authority is getting ready to close another six easements before the end of May. She stated that last month the Authority closed on four easements.

Agriculture Land Plan update

– **Bev McKay**

Commissioner McKay stated that this project was on hold until the impact of the new state alternative on-site sewer treatment regulations could be determined.

Staff Reports

Natural Resource Activities

– **Alison Teetor**

Loudoun Limestone Overlay District

Ms. Teetor gave a brief discussion about the ordinance amendments establishing an 8,000-acre Limestone Overlay District by the Loudoun County Board of Supervisors. She gave comparisons between the Loudoun and Clarke karst areas. She presented a map to the Commissioners showing the proposed limestone overlay district in Loudoun County.

Commissioner Thuss suggested to Ms. Teetor that when there are concerns of pesticides and runoff from farm animals to bring those concerns before the Planning Commission. He said that when farmers cannot afford to put fences up to prevent the runoff from happening it may be possible that a recommendation can be made before anything occurs. He said he feels we need much stricter regulations to protect our ground water.

Commissioner Wade left the meeting.

Enforcement Officer

– **Nancy Olin**

Ms. Olin's progress reports for 2009 December 30 thru 2010 January 29 and 2010 January 29 thru 2010 February 23 were reviewed.

There being no further discussion to come before the Planning Commission, the meeting was adjourned at 11:00 a.m. until the next regular scheduled meeting on 2010 April 2.

George L. Ohrstrom, II, Chair

Charles Johnston, Clerk

Minutes prepared by Debra L. Bean, Recording Secretary