

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 April 6 – 9:00 a.m.
BOARD OF SUPERVISORS MEETING ROOM**

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, 2007 April 6.

ATTENDANCE

Beverly McKay, Chair; George L. Ohrstrom, II, Vice Chair; Jay Arnold, Barbara Batterton, Anne Caldwell, Mary Daniel, A.R. Dunning, Jr., Pat McKelvy, Cliff Nelson, Kathy Smart and Bob Wade

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 9:07 a.m.

APPROVAL OF AGENDA

The agenda was unanimously approved.

Yes: Arnold, Batterton (seconded), Caldwell (moved), Daniel, McKay, McKelvy, Nelson, Ohrstrom, Smart and Wade

No: No one

Absent: Dunning

APPROVAL OF MINUTES

The briefing minutes for 2007 February 27 were unanimously approved.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy (moved), Nelson, Ohrstrom, Smart and Wade

No: No one

Absent: Dunning

The regular minutes for 2007 March 2 were approved with minor grammatical errors.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy (moved), Nelson, Ohrstrom, Smart (seconded) and Wade

No: No one

Absent: Dunning

The minutes for the special meeting on 2007 March 14 were unanimously approved with minor grammatical errors.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy (moved), Nelson, Ohrstrom (seconded), Smart and Wade

No: No one

Absent: Dunning

BOUNDARY LINE ADJUSTMENT
TWO MAJOR SUBDIVISIONS - CONTINUED PUBLIC HEARING

Richard Dimmel (R.Z. Bane, Owner) requests approval of:

- a. Boundary Line Adjustment for Tax Maps 1-((A))-3 and 1-((A))-4,**
- b. Major Subdivision for Tax Map 1-((A))-3, and**
- c. Major Subdivision for Tax Map 1-((A))-4**

All located in the 1800 block of Swimley Road, Longmarsh Magisterial District, zoned Agricultural-Open-Space (AOC). BLA-07-03; S-07-03; S-07-04

Mr. Russell explained this request. He stated that since the last meeting the applicant has been working on the five requests of the Planning Commission and adjoining property owners: 1) increase the vegetated buffer from 25 feet to 40 – 50 feet along the western property line for the lots located in the wooded area; 2) replace the trees that had been accidentally removed in the required buffer area with a mixture of evergreens that are a minimum of 6 feet in height; 3) place lot 2 (32.88 acres), lot 3 (38.9 acres) and lot 7 (44.82 acres) in conservation easement; 4) add a tree buffer along the front entrance where applicable to reduce glare from vehicle headlights exiting from the proposed subdivision onto Swimley Road; 5) add a stormwater detention pond in the vicinity of the southwest corner of the property if determined necessary by County engineers.

He stated that on March 14, the Planning Commission met on site with adjacent property owners. He said there were suggestions made regarding vegetated buffers, road access locations, and possible lot location changes. After discussion with staff and the Commission, Chair McKay asked for public comments.

Eric Arkfeld, adjacent property owner in the area, stated he met with Mr. Dimmel and discussed the possibility of shifting the lots around. He stated the sinkhole on the property poses a problem in doing that. He stated they agreed to a 50-foot vegetative buffer along his property line and to reposition the house site on Lot 6 further away from his property. He said he feels the Planning Commission should reconsider boundary line buffers and basic setbacks for future developments.

Cathy Gibb, adjacent property owner, asked questions about the road.

Barbara Goode, adjacent property owner, asked if the easement road is put in would it be up to VDOT standards.

Lloyd Goode, area property owner, questioned putting a 30 or 40-foot road down the center of the property to the West Virginia line. He said he does not feel it is necessary. He stated he feels it will destroy the wildlife.

Jim Leach, area property owner, stated he has concerns about the road. He also stated he has concerns with more people moving to Clarke County. He said he feels the County needs to solve current problems before we allow more building in the County. He said there are not enough schools for the amount of families with children that are moving into the County.

Chair McKay stated the County can only do what the Virginia General Assembly allows localities to do and localities are not allowed to determine whether there are adequate public facilities before approving subdivisions. He and the Commission encouraged the audience to contact their members of the General Assembly with their concerns on this issue.

Richard Dimmel, the applicant, was present and stated the road will be gravel and that he had it curved so as to slow traffic.

Mr. Dunning entered the meeting.

Mr. Russell stated there are still issues that need to be resolved and he feels this public hearing should be continued.

There being no further public comments, Chair McKay called for a motion.

The Commission voted unanimously to postpone action and continue the public hearing on this request until the next regular meeting of the Commission on 4 May 2007.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning McKay, McKelvy, Nelson, Ohrstrom (moved), Smart (seconded) and Wade

No: No one

TEXT AMENDMENT – PUBLIC HEARING

**The Clarke County Planning Commission will consider the amendment of:
the County Zoning Ordinance,**

- a. Section 3-C, Supplementary Regulations, so as to add a section for Private Access Easements limiting the number of lots that may be served by such easements to nine (thereby requiring 10 or more lots to be served by a public right of way) in the AOC and FOC Zoning Districts and not more than two lots in any other zoning district, and**
 - b. Section 9-B, Definitions, establish a definition of Private Access Easements, and the County Subdivision Ordinance,**
 - c. Section 2-B, Definitions, so as to modify the definition of Private Access Easement so as to conform to the proposed definition of this term in the Zoning Ordinance, and**
 - d. Section 8-J-1, Private Access Easements, General Regulations, so as to reference the proposed amendment to the Supplementary Regulations in the Zoning Ordinance.**
- TA-07-03**

Mr. Johnston explained this request. After discussion with staff and the Commission, Chair McKay asked for public comments.

Robina Bouffault, area resident, stated her concerns with the access easements and feels we cannot make exceptions. She stated it should be the same for people that have lived here for a long time as it would for a new resident.

Richard Dimmel, property owner in the area, stated his concerns regarding a person with one lot would be improving the road for everyone living on a road.

Jon Erickson, area resident, stated he had concerns with this amendment and feels it is unfair. He stated he feels it should be only on new subdivisions.

There being no further public comments, Chair McKay called for a motion.

Chair McKay suggested a committee comprised of John Erickson and Commissioners Caldwell, Daniel and Dunning meet after the meeting to review this text amendment.

The Commission voted unanimously to recommend approval of this amendment as written to the Clarke County Board of Supervisors with the understanding that it may be remanded back for further consideration.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning, McKay, McKelvy (seconded), Nelson, Ohrstrom (moved), Smart and Wade

No: No one

REPORTS

Board of Supervisors – Pete Dunning

Commissioner Dunning stated the public hearing on road standards and the public hearing on a monopole with Verizon is scheduled for 2007 April 17. The Comprehensive Plan was approved at the 2007 March 20 meeting.

Sanitary Authority – Pete Dunning

Commissioner Dunning gave a brief discussion regarding the potential development in Waterloo.

Board of Septic & Well Appeals – Pete Dunning

Commissioner Dunning gave a brief discussion regarding two potential variances.

Comprehensive Plan Elements

- Transportation Committee (Batterton, Caldwell, Smart, Ohrstrom, plus Bates, Conrad, Everly)
- CIP Committee (Daniel, Dunning, plus Day, Rich) [next meeting April 12]

Mr. Johnston stated there is a Transportation meeting scheduled for 2007 April 10 at 1:30 p.m. and a CIP meeting scheduled for 2007 April 12 at 1:00 p.m.

Board of Zoning Appeals – Anne Caldwell

Nothing to report.

Historic Preservation Commission – Cliff Nelson

Commissioner Nelson stated that Maral Kalbian, the County's Architectural Historian, has been contacted by property owners near the proposed Luck Stone Quarry to be located on north Lord Fairfax and in the middle of the Long Marsh Run Rural National Register Historic District. He also stated that Del. Joe May had been successful in persuading the General Assembly to provide \$50,000 for Greenway Court.

Conservation Easement Authority – Pat McKelvy

Commissioner McKelvy stated that a spring newsletter would be going out soon requesting donations.

Natural Resource Activities – Alison Teetor

- Farm and Ranchland Protection Grant activities
- Conservation Easement Authority – monitoring and inspection, file updates
- Biosolids maps
- Sinkhole mapping
- Golf Course Erosion concerns
- Attended State PDR managers meeting
- Flood Plain Ordinance update

Ms. Teetor stated she will be going to visit the Luck Stone Quarry site today and will report back.

Enforcement Officer – Nancy Olin

Ms. Olin's progress reports for 1 March 2007 thru 31 March 2007 were reviewed.

Other

Mr. Johnston stated that there is a public hearing scheduled for the Planning Commission on 11 April 2007 at 7:30 p.m. at John Enders Fire Company Social Hall regarding the Major Subdivision/Boundary Line Adjustment, Public Use in Accord with the Comprehensive Plan, Special Use, and Site Plan for the proposed High School.

There being no further discussion, the meeting was adjourned at 10:45 a.m. until the special meeting of the Planning Commission on 2007 April 11 at 7:30 p.m.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary