

**CLARKE COUNTY
PLANNING COMMISSION
MINUTES**

2007 May 4 – 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 May 4.

ATTENDANCE

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

ABSENT

A.R. Dunning, Jr.

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, Caldwell (moved), Daniel (seconded), McKay, McKelvy, Nelson, Ohrstrom, Smart and Wade

No: No one

Absent: Dunning

APPROVAL OF MINUTES

The briefing minutes for 2007 April 3 were unanimously approved.

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

No: No one

Absent: Dunning

The regular minutes for 2007 April 6 were unanimously approved with minor grammatical errors.

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

No: No one

Absent: Dunning

The special minutes for 2007 April 11 were unanimously approved.

Yes: Arnold, Batterton (seconded), Caldwell, Daniel (moved), McKay, McKelvy, Nelson, Ohrstrom, 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 revised the survey plat to satisfy the recommendations from the Planning Commission. He stated the boundary line adjustment would be approved administratively. After discussion with staff and the Planning Commission, Chair McKay asked for public comments.

Rick Dimmel, the applicant was present and answered questions from the Planning Commission and the public.

Cathy Gibb, adjoining property owner, stated several people in the area have tried to find drain fields for years. She said the drain field approval seems a bit suspicious since there are still perk holes on the property that are holding water.

Lloyd Goode, adjacent property owner, had concerns regarding this request. He stated that most of the adjoining property owners are against it.

Jim Leach, adjoining property owner, stated he has seen VDOT at the site looking at the culverts and drainage in the area.

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

The Commission voted unanimously to approve final plat on the 3 lot major subdivision for Tax Map Parcel 1-((A))-3 and on the 4 lot major subdivision for Tax Map Parcel 1-((A))-4 on the following conditions:

- 1) The applicant replant trees along the western property line that were accidentally removed with like evergreen trees measuring a minimum of 6 feet in height;
- 2) The road profile be revised to show check dams along the proposed travelway; and
- 3) The plat be revised to show designated 50 foot buffer shown on sheet 2 should also be shown on sheet one of the plat.

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

No: No one

Absent: Dunning

MINOR SUBDIVISION

Richard Dimmel requests approval for a two-lot subdivision for Tax Map 29-((A))-18, located at 6004 John Mosby Highway, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). MS-07-02

Mr. Russell explained this request. He stated the applicant has met all Subdivision Ordinance requirements for preliminary and final plat approval.

Barbara Byrd, member of the Clarke County Board of Supervisors, was present and asked questions about this proposal.

Chris Harvey, area resident, was in attendance and represented the Judy family whom are adjoining property owners. He stated the Judy family has concerns with the buffer area, which has been cleared.

Rick Dimmel, the applicant, was present and stated he is willing to replant the buffer area.

After discussion with staff and the Commission, Chair McKay called for a motion.

The Planning Commission voted unanimously to postpone action on this request in order to allow time for the Planning Commission to visit the site.

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

(seconded)

No: No one

Absent: Dunning

BOUNDARY LINE ADJUSTMENT

Susan Hahn requests approval for a Boundary Line Adjustment of Tax Maps #13-((A))-47A and #13-((A))-47B located at 1830 and 1918 Senseny Road, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). BLA-07-09

Mr. Russell explained this request. He stated that the applicant is requesting a boundary line adjustment and maximum lot size exception. Mr. Russell stated the area proposed for adjustment had a combination of features and irregular shape so as to be left to no useful agricultural purpose. Mr. Russell stated that the property would increase to approximately 5.9 acres from 3 acres. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted to approve this request on condition that the applicants consider removing unsightly debris from the adjoining property.

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

No: No one

Absent: Dunning

Abstained: Daniel

TEXT AMENDMENT – RECONSIDERATION

**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.**

The Commission will also reconsider the amendment of the County Subdivision Ordinance, Section 8-J-1, General Regulations for Private Access Easements, so as to:

- a. **require access easements created after the adoption of this ordinance to have an asphalt surface when they serve 5 or more parcels,**
- b. **require improvements to existing private access easements serving new subdivision parcels, and**
- c. **change other technical engineering standards for the construction of private access easements. TA-07-03**

Mr. Johnston explained this request. He stated that the Board of Supervisors approved the amendments of the Subdivision Ordinance at its 2007 April 17 meeting and they requested that the Planning Commission reconsider the recommended provision that would have required existing private access easements to be paved if they served five or more lots. He said the matter before the Commission was to consider the amendment of the Zoning Ordinance so as to shift the previously approved Subdivision Ordinance amendments to the Zoning Ordinance as recommended by the County's attorney. He reviewed the revised text of the amendment that would require existing access easements to be improved to public road standards when a 10th lot is created, unless that lot was created as a result of a minor subdivision approved at least five years after a previous subdivision of the property. He also explained that only that portion of the access easement serving 10 or more lots would have to be improved to public road standards. After discussion with staff and the Commission, Chair McKay called for a motion.

The Planning Commission voted to recommend approval of this amendment to the Board of Supervisors as modified, deleting the provision that would require access easements to be paved, leaving in the standards for paving if the owner chooses to pave and including the provisions that state existing access easements would be improved to public road standards when a 10th lot is created, unless that lot was created as a result of a minor subdivision approved at least five years after a previous subdivision of the property and that only that portion of the access easement serving 10 or more lots would have to be improved to public road standards.

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

No: Wade

Absent: Dunning

**COMPREHENSIVE PLAN AMENDMENT –
Transportation Plan Implementing Component**

The Clarke County Planning Commission will consider the amendment of Clarke County Comprehensive Plan so as to add a Transportation Plan as an Implementing Component.

Mr. Johnston explained this item. He stated that this would add a complete Transportation Element to the Plan. He explained the display of maps on the wall showing the changes in traffic volume, accident rates, and road designation. Chris Bates committee member of the

Transportation Plan was present. Mr. Bates handed out a cost comparison of the Clarke County High School Site to the Planning Commission. He explained the different figures for the Salvation Army site, Byrd site, and the Echols site. He stated that these figures would have a definite impact on our transportation plan. He asked the Planning Commission not to move forward with this portion of the Comprehensive Plan until the High School site is resolved.

After discussion with staff and the Commission, Chair McKay called for a motion.

The Planning Commission voted unanimously to set public hearing for this request for the next regular meeting of the Planning Commission on 1 June 2007.

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

No: No one

Absent: Dunning

TEXT AMENDMENT – SET PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the Clarke County Zoning Ordinance, Section 3-E-1, Flood Plain District and Section 9-B, Definitions, so as to reference the new Flood Insurance Rate Map developed by FEMA and bring the ordinance section onto compliance with State Flood Plain regulations. TA-06-14

Ms. Teetor explained this request. After discussion with staff and the Commission, Chair McKay called for a motion.

The Planning Commission voted unanimously to set public hearing on this request for the next regular meeting of the Planning Commission on 2007 June 1.

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

No: No one

Absent: Dunning

REPORTS

Board of Supervisors – **Pete Dunning**

Mr. Johnston stated that on 2007 May 15 the Board of Supervisors would hold a public hearing on the text amendment regarding contractors.

Sanitary Authority - **Pete Dunning**

Nothing to report

Board of Septic & Well Appeals – **Pete Dunning**

Ms. Teetor stated that there is a public hearing scheduled for 2007 May 10 regarding a variance for Todd Ellis.

Comprehensive Plan Elements

- CIP Committee (Daniel, Dunning, plus Day, Rich) [meeting rescheduled to May 17]

Board of Zoning Appeals – **Anne Caldwell**

Nothing to report

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that the annual awards’ meeting is scheduled for 22 May 2007.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated that as a result of the newsletter we are getting offers for donations.

Natural Resource Activities – **Alison Teetor**

Ms. Teetor gave a brief discussion regarding the quarry site.

Enforcement Officer – **Nancy Olin**

Ms. Olin has returned to work from recent foot surgery, but was unable to climb the steps to attend the today’s meeting.

American Planning Association National Conference – **Chuck Johnston**

Mr. Johnston gave a brief discussion about the conference he attended in Philadelphia.

There being no further discussion, the meeting was adjourned until the special meeting of the Planning Commission on 23 May 2007 at 7:30 p.m.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

**Minutes prepared by
Debra L. Bean, Recording Secretary**