

# Clarke County

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Planning Commission  
**Regular Meeting Minutes**  
October 4, 2013



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, October 4, 2013.

## **ATTENDANCE**

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Clay Brumback, Doug Kruhm, Cliff Nelson, John Staelin, and Jon Turkel.

## **ABSENT**

Scott Kreider, Tom McFillen and Chip Steinmetz

## **STAFF**

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner and Debbie Bean, Recording Secretary.

## **CALLED TO ORDER**

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

Commissioner Brumback entered the meeting.

## **APPROVAL OF AGENDA**

The Commission voted to approve the agenda.

**Yes:** Bouffault, Brumback, Caldwell (seconded), Kruhm, Nelson (moved), Ohrstrom, Staelin and Turkel

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

## **APPROVAL OF MINUTES**

The Commission voted to approve the regular meeting minutes of September 3, 2013.

**Yes:** Bouffault (seconded), Caldwell (moved), Kruhm, Nelson, Ohrstrom, and Turkel

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

**Abstained:** Brumback and Staelin

The Commission voted to approve the briefing meeting minutes of September 6, 2013.

**Yes:** Bouffault (seconded), Caldwell (moved), Nelson, Ohrstrom, Staelin and Turkel

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

**Abstained:** Brumback and Kruhm

**ZONING ORDINANCE TEXT AMENDMENT (TA-13-01) – PUBLIC HEARING**

**Proposed text amendment to amend section, §3-A-1-b-(3), Maximum Lot Size Exception Criteria of the Clarke County Zoning Ordinance. This section of the ordinance provides for a maximum lot size exception if the parcel has been placed in conservation easement. The purpose of the text amendment is to require a property owner to retire at least one (1) dwelling unit right (DUR) if the property is being placed in easement in order to qualify for a maximum lot size exception.**

Mr. Sitdham explained this proposed text amendment. He said this text amendment is being forwarded to the Planning Commission at the request of the Conservation Easement Authority (CEA). The CEA members expressed interest in strengthening the requirements allowing for maximum lot size exceptions for properties in easement. The CEA members were also concerned that property owners could subdivide their property without retiring any DURs, thereby circumventing the intent of the ordinance to maintain large residual lots for agricultural purposes. Mr. Stidham stated that Planning Staff drafted the proposed text amendment to require retirement of at least 1DUR for properties being placed in easement with the County for the purpose of qualifying for a MLSE. If the amendment is adopted, the new provision would apply to all properties placed in conservation easement with the Clarke County Easement Authority after the adoption date. He said this amendment would not apply to other entities holding easements in the County. After discussion with the staff and the Commission, Chair Ohrstrom asked for public comments.

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

The Commission voted unanimously to recommend approval of this amendment to the Board of Supervisors.

**Yes:** Bouffault (seconded), Brumback, Caldwell (moved), Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

**Schedule Public Hearing Items**

**SPECIAL USE / SITE PLAN (SUP-13-02/SP-13-08) – SET PUBLIC HEARING**

**Gina Schaecher (Happy Tails Development, LLC) requests approval of a Special Use and Site Plan for constructing a kennel for boarding and training dogs for private individuals. The property is identified as Tax Map #20-2-9, located in the 300 block of Bellevue Lane in the White Post Election District and is zoned Agricultural Open-Space Conservation (AOC).**

Commissioner Nelson recused himself from this request due to conflict of interest.

Mr. Russell stated that at the meeting in September, the Planning Commission voted to postpone action on this request until the applicant could resolve some issues with this proposal. He said that the applicant has provided a revised site plan and several back-up materials for the Planning Commission to review. He said included in the back-up materials is an e-mail from AOSE Jim Slusser, Soil Scientist for the applicant regarding questions from the Health Department about the proposed septic system. Mr. Russell said that Mr. Slusser affirmed that an application for the new design has been submitted to the Health Department and approved for a 1200 square foot capacity and a total of 995

square feet was required for the proposed use. Mr. Russell said that the effluent from the washing machines that will be on site would go into a septic tank and not into the drainfield.

Commissioner Kruhm asked if the septic tank is the same as a holding tank and Mr. Russell stated that it is. Commissioner Bouffault questioned if the comments made by Jordan Land Design LLC, the engineer for the applicant, in responding to the comments by Chester Engineers were made for the original site plan or the newly revised site plan. Mr. Russell said that for the most part they are for the original plan. Commissioner Bouffault said they will need to review the revised site plan. Mr. Russell said he agreed with her.

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

The Commission voted to set public hearing on this request for the next regular meeting of the Planning Commission on November 1, 2013.

**Yes:** Bouffault, Brumback, Caldwell (moved), Kruhm, Ohrstrom, Staelin, and Turkel (seconded)

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

**Abstained:** Nelson

Commissioner Nelson returned to the meeting.

### **Board/Committee Reports**

#### **Board of Supervisors (John Staelin)**

Commissioner Staelin stated that he did not have any report specifically for the Board of Supervisors but he said he did have an item that is related to the Board of Supervisors. He said that as many of you know he is involved with water issues. He stated that he and Chair Ohrstrom met with DEQ in Richmond. He said about two years ago every County and Jurisdiction in the Commonwealth had to submit water supply plans. He stated that the Commonwealth will be publishing the results of the submitted plans and the conclusions of the study committee in December. He said that the results will include current available water and minimum flow for every watershed and every major river. He said it is projected that there will be enough water for the next 30-50 years.

#### **Sanitary Authority (John Staelin)**

Commissioner Staelin discussed water and power issues related to the development proposed next to Boyce Elementary School.

#### **Board of Septic & Well Appeals (John Staelin)**

No report

#### **Board of Zoning Appeals (Anne Caldwell)**

No report.

#### **Historic Preservation Commission (Douglas Kruhm)**

Commissioner Kruhm stated that he attended his first meeting of the HPC on September 26, 2013 and found it to be very interesting. He said the Commission had been advised that there was grant funding available for Josephine City. He stated that now they have been informed that the information they

received was incorrect and that a new grant needs to be prepared and submitted. He said that the next meeting for the HPC is scheduled for November 21, 2013 at 4:00 p.m. He said that there is also going to be a public hearing on November 6, 2013 on the Chapel Historic District at 7:00 p.m. in the main meeting room.

**Conservation Easement Authority** (George Ohrstrom, II)  
Chair Ohrstrom stated that yesterday the CEA closed on two easements.

**Other Business**

The Commission voted to go into Closed Session:

**Move to convene a Closed Session pursuant to §2.2-3711(A)7 for consultation with legal counsel regarding specific legal matters related to interpretation of state legal requirements for alternative sewer systems.**

**Yes:** Bouffault (moved), Brumback, Caldwell (seconded), Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

The Commission, by roll call vote, certified the Closed Session with the following motion:

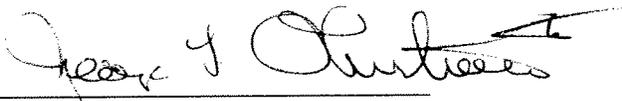
**Move to certify that to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under §2.2-3711(A)7 of the Code of Virginia, as amendment, and (II) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the Board.**

**Yes:** Bouffault (moved), Brumback, Caldwell (seconded), Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

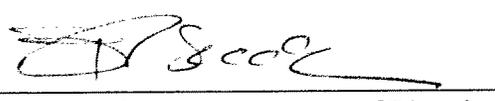
**No:** No one

**Absent:** Kreider, McFillen and Steinmetz

There being no further business to come before the Planning Commission the meeting was adjourned at 9:40 a.m.



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary