# Clarke County

Planning Commission
**Regular Meeting Minutes**
January 9, 2015

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 9, 2015.

**ATTENDANCE**
George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

**ABSENT:** John Staelin

**STAFF**
Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; and Debbie Bean, Recording Secretary.

**CALLED TO ORDER**
Brandon Stidham, as Clerk to the Commission, called the meeting to order at 9:00 a.m. and introduced the annual organizational meeting.

Mr. Stidham welcomed Ryan Fincham to the meeting who will be replacing Jesse Russell as the Senior Planner/Zoning Administrator. Mr. Fincham will be starting on January 12, 2015.

**ELECTION OF CHAIR AND VICE CHAIR**
Mr. Stidham opened the floor for nominations of Chair to the Commission. Ms. Bouffault nominated Mr. Ohrstrom to continue serving as Chair, seconded by Ms. Caldwell. No other nominations were offered. Mr. Stidham closed the floor to nominations.

The Commission voted unanimously to elect Commissioner George L. Ohrstrom, II as the Chair of the Planning Commission for 2015.
**Yes:** Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin

Mr. Stidham turned the meeting over to Chair-Elect Ohrstrom.

Chair Ohrstrom asked for nominations of Vice Chair to the Commission. Mr. Kruhm moved to nominate Ms. Caldwell to continue serving as Vice Chair, seconded by Mr. Kreider. No other nominations were offered. Chair Ohrstrom closed the floor to nominations.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2015.

**Yes:** Bouffault, Buckley, Caldwell, Kreider (seconded), Kruhm (moved), Lee, Malone, Nelson, Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin

**COMMITTEE ASSIGNMENTS FOR 2015**
Mr. Stidham stated that there are two vacancies on permanent committees created by Chip Steinmetz's departure. He said that one is on the Policy/CIP committee and the other on the Transportation committee. Ms. Bouffault volunteered to be on the Policy/CIP committee and Ms. Malone agreed to be on the Transportation committee. Mr. Stidham stated that there is also a vacancy on the Agricultural District Advisory Committee (Planning Commission liaison) which Mr. Buckley agreed to fill.

**2015 MEETING SCHEDULE**
The Commission voted to approve the meeting schedule for 2015 as presented.
**Yes:** Bouffault, Buckley, Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson (seconded), Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin

**2015 By-Laws**
The Commission voted to approve the By-Laws for 2015 as presented.
**Yes:** Bouffault, Buckley, Caldwell, Kreider, Kruhm, Lee (moved), Malone, Nelson, Ohrstrom, Turkel (seconded)
**No:** No one
**Absent:** Staelin

**2015 Project Priorities**
The Commission voted to approve the Project Priorities for 2015 as presented.
**Yes:** Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin

**APPROVAL OF AGENDA**
The Commission voted to approve the revised Agenda as presented.
**Yes:** Bouffault, Buckley, Caldwell, Kreider, Kruhm, Lee, Malone, Nelson (seconded) Ohrstrom, Turkel (moved)
**No:** No one
**Absent:** Staelin

**APPROVAL OF MINUTES**
The Commission voted unanimously to approve the briefing meeting minutes of December 2, 2014.

**Yes:** Buckley, Caldwell (moved), Kreider, Kruhm, Lee (seconded), Malone, Nelson, Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin
**Abstained:** Bouffault

The Commission voted unanimously to approve the regular meeting minutes of December 5, 2014.
**Yes:** Buckley, Caldwell (moved), Kreider, Kruhm, Lee (seconded), Malone, Nelson, Ohrstrom, Turkel
**No:** No one
**Absent:** Staelin
**Abstain:** Bouffault

**Continued Public Hearing Item**
**Special Use Permit / Site Plan (SUP-14-01 /SP-14-04) New Cingular Wireless PCS LLC (aka AT&T Mobility)** is requesting an approval of a Special Use and Site Plan for installing a 90' tall telecommunications monopole (includes whip antennas) with 3 arrays containing a total of 12 antennas and associated equipment within a 2500 sq. ft. fenced compound. The property is identified as Tax Map 9-5-6, located in the 2900 block of Allen Road in the Russell Election District and is zoned Agricultural Open-Space Conservation (AOC).

Mr. Russell stated that Shawn Hagerty, agent for AT&T, contacted him yesterday afternoon and told him that AT&T is withdrawing the Special Use and Site Plan for the proposed monopole. Mr. Russell told Mr. Hagerty that a written request to withdraw this application is needed from AT&T. Chair Ohrstrom stated that the request should be tabled. Chair Ohrstrom stated that this is a continued public hearing and he asked for public comments.

Kelly Leary, resident in the area, asked if the request is tabled does that mean that no one else can put a tower in the area. Mr. Russell stated that tabled means to postpone indefinitely the discussion or consideration of a request. Mr. Russell stated that if someone else would want to put a tower up in this area that they would have to go through the same process.

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

The Commission voted unanimously to table this request on condition that AT&T provides a written request to withdraw the matter.
**Yes:** Bouffault, Buckley, Caldwell, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom, Turkel (moved)
**No:** No one
**Absent:** Staelin

**Minor/Major Subdivisions**

**MS-14-05 & MLSE-14-03 Calvin E. & Anna M. Singhas (Jim Singhas, Agent)** request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #14-A-59, located at 165 Lindey Lane in the Millwood Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Russell explained this request. He said that the applicants are requesting approval for a minor subdivision. He stated that the subject property contains a pre-1980 house. He said that the property owner may exceed the average maximum lot size of 3 acres by right and is not subject to Planning Commission approval. He said that the applicant has met all requirements of the Subdivision Ordinance for final plat approval. He said this morning he met with Commissioner Turkel and Commissioner Caldwell and visited the proposed site. He stated the only issue is that the reserve drainfield needs to be located and approved by the Health Department. He stated that Rob Charnley, Soil Scientist is here today to answer any questions about the reserve field. Mr. Charnley stated because of the recent cold weather he was unable to get the results to the Health Department for their review and approval in time for today's meeting. He stated that the 100% reserve area will be shown on the revised plat. Mr. Russell stated that there are no further dwelling unit rights on this property. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request on condition that the 100% reserve drainfield is found and approved by the Health Department.

**Yes:** Bouffault (moved), Buckley (seconded), Caldwell, Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel

**No:** No one

**Absent:** Staelin

Chair Ohrstrom requested that Mr. Russell let the Planning Commission know when the Health Department approves the 100% reserve drainfield for this request.

**Board/Committee Reports**

Mr. Stidham said that Staff had taken the Capital Improvements Program Pilot Project to the Finance Committee and gave the same presentation that was provided to the Planning Commission in November. He stated that the finance committee had similar concerns about the Planning Commission's role in doing these projects and recommended that we take the presentation to the Board of Supervisors (BOS) for the December meeting. He stated that the BOS shared the same level of concerns as the Finance Committee did regarding how it would work. The BOS talked about softening the end of the pilot project so as not to run the pilot project parallel to the budget process.

He said a couple members suggested that we have a more informal presentation to the Planning Commission rather than having something more rigid take place. He stated that they concluded their discussion by recommending that BOS Chair Hobert and Chair Ohrstrom get together with Staff and discuss how we can formalize the end of the pilot project and how we can move forward after the pilot project.

**Sanitary Authority (John Staelin)**
No report.

**Board of Septic & Well Appeals (John Staelin)**
No report.

**Board of Zoning Appeals (Anne Caldwell)**
No report.

**Historic Preservation Commission (Doug Kruhm)**
Commissioner Kruhm said the HPC held a public hearing for a Certificate of Appropriateness on December 11, 2014 at the property owned by John Taylor and located in the 300 block of White Post Road for the design of a new structure. He said that one person from the public was present and the Commission addressed her concerns. He said that the Certificate of Appropriateness was approved with the following conditions:

1) The octagonal vent at the top of the porch roof is removed;
2) The siding is wood or hardi plank; and
3) The orientation of the house is shifted so that the front faces the street (White Post Road).

**Conservation Easement Authority (George Ohrstrom, II)**
Chair Ohrstrom stated that the Conservation Easement Authority closed on the purchase of three dwelling unit rights before the end of the year. He stated that the CEA is currently soliciting applications for 2015.

**Other Business**
**Schedule Date and Time for Policy/CIP Subcommittee Meeting**
Mr. Stidham discussed possible dates for January. Commissioner Nelson asked if it would be possible to have the meeting on February 3rd after the briefing meeting. Commissioner Turkel the Chair of the Subcommittee and Mr. Stidham said they did not see a problem with moving it to the 3rd of February.

**Items Postponed from the Briefing Meeting.**

**New Business Items**

**a. Discussion, Proposed amendments to monopole regulations**

Mr. Stidham stated that new Federal regulations were adopted as part of the Middle Class Tax Relief and Job Creation Act of 2012 (see attached Federal Communications Commission's (FCC) "Public Notice" document included in your packet) dealing with co-location of antennas and equipment on existing towers. He said that due to the adoption of these regulations a state of local government "may not deny, and shall approve" any request for co-location, removal, or replacement of transmission equipment on an existing tower provided that the action does not substantially change the physical dimensions of the tower. He stated that Staff consulted County Attorney Bob Mitchell who recommended that a text amendment be developed to address this new Federal regulation. He gave a brief overview of the items in the proposed text amendment.

Commissioner Kruhm stated that in his opinion this is a corporate lawyers dream come true. He said how the towers are installed deserves discussion. He stated that he would send Mr. Stidham and e-mail with the concerns he has with this proposed text amendment.

Chair Ohrstrom said to have questions ready for Mr. Mitchell to review so he knows what he is considering before the next meeting. Mr. Stidham stated he will work on this so we can set public hearing for the regular meeting in February.

Commissioner Bouffault said she likes the blue/gray color on the Boyce water tower and that it blends in nicely with the surrounding area. She suggested that we consider the option of painting monopoles as opposed to putting branches on the monopole to look like a tree.

Mr. Stidham said there will be a Brewery Regulations Subcommittee meeting immediately following this meeting.

Mr. Stidham stated that there will be a Recreation Subcommittee meeting held on January 22nd and a BADA meeting on January 28th.

There being no further discussion the meeting adjourned at 9:50 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary