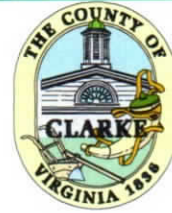


Clarke County



Planning Commission
Regular Meeting Minutes
July 1, 2016

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, July 1, 2016.

ATTENDANCE

George L. Ohrstrom, II, Chair; Robina Bouffault; Randy Buckley; Mary Daniel; Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; and Cliff Nelson.

ABSENT

Anne Caldwell, Vice Chair and Jon Turkel

STAFF

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:00 a.m.

Chair Ohrstrom stated that the Piedmont Environmental Council fellows are here today to see how a small rural Planning Commission works. He thanked them for coming and said he would like to proceed with the meeting and then have everyone introduce themselves after the meeting.

APPROVAL OF AGENDA

The Commission voted to approve the Agenda.

Yes: Bouffault, Buckley, Lee, Kreider, Kruhm, Daniel, Malone (moved), Nelson (seconded) and Ohrstrom

No: No one

Absent: Caldwell and Turkel

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of May 3, 2016.

Yes: Bouffault (moved), Buckley, Lee, Kreider, Kruhm, Daniel (seconded), Malone, Nelson and Ohrstrom

No: No one

Absent: Caldwell and Turkel

The Commission voted to approve the regular meeting minutes of May 6, 2016 with language added to clarify DEQ's approval of the stormwater review for the solar power plant proposed by Hecate Energy.

Yes: Bouffault, Buckley, Lee, Kreider, Kruhm, Daniel, Malone (seconded), Nelson (moved) and Ohrstrom

No: No one

Absent: Caldwell and Turkel

Minor/Major Subdivision

MS-16-04 & MLSE-16-03, Moore & Dorsey, Inc. Request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #16-A-22, located at 3774 Harry Byrd Highway in the Buckmarsh Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Fincham stated that the applicant is requesting a two lot subdivision with maximum lot size exception. He said that the total area is 116.5794 acres. He stated that the proposal is to use the maximum lot size exception to create a lot that fronts Route 7 and will be 36.3584 acres. He stated that Lot 1 has a pre-1980 existing dwelling which does not have any dwelling unit rights remaining. He stated that Lot 2 is 80.2210 acres and has four remaining dwelling unit rights. He said that the property qualifies for a maximum lot size exception to allow a lot larger than three acres to be created. He said that the lot qualifies for the maximum lot size exception because it has an existing house that is older than October 17, 1980. He stated that the applicant intends to place the entire residue lot in Conservation Easement with the Clarke County Easement Authority after subdivision approval. He said that the residue lot currently has four dwelling unit rights and after easement approval it will retain two dwelling unit rights and two will be relinquished.

Mr. Fincham stated that according to the Health Department comments, there is an approved existing three bedroom sewage disposal system and drilled well serving the existing house. He said that the proposed reserve area for Lot 1 has been approved by the Health Department and they are awaiting final plats for signature. He stated that since the Planning Commission packets were sent out on Friday, June 24, 2016, VDOT has contacted Staff in regard to the proposal. He said that VDOT notes that the existing field entrance to serve the Residue Lot just meets the required sight distance for a posted 55 mph speed limit. He cautioned that a majority of traffic on Route 7 exceeds the limit and additional safety measures should be considered when construction takes place. He stated that a note should be added to the plat that the existing entrance serving the Residue Lot does not meet VDOT minimum design requirements. He said that this will need to be upgraded which requires a detailed construction plan to be submitted to VDOT prior to any construction. He said that Staff has contacted the surveyor and the changes have been made.

Mr. Fincham said that the resistivity test has been reviewed and approved by County consultant Dan Rom. He said that Staff recommends approval of this request. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request.

Yes: Bouffault (moved), Buckley, Kreider, Kruhm (seconded), Daniel, Malone, Nelson and Ohrstrom

No: No one

Absent: Caldwell and Turkel

Abstained: Lee

Commissioner Lee said he abstained because he did the soil work on this property.

MS-16-05, James A. Wine, Jr. & Carol A. Flaherty. Request approval of a two lot Minor Subdivision for the property identified as Tax Map #32-A-77, located in the 4000 block of Ebenezer Road in the Millwood Election District zoned Forestal Open-Space Conservation (FOC).

Mr. Fincham stated that the applicants are requesting a two lot minor subdivision located in the 4000 block of Ebenezer Road and is zoned Forestal Open-Space Conservation District (FOC). He said that this is the first minor subdivision request in the FOC District since the text amendment changes to the Subdivision Ordinance were made in February. He stated that the whole area in this minor subdivision is 31.0680 acres with two dwelling unit rights and the proposal is to split it into halves. He said that Lot 1 will be 15.8043 acres and Lot 2 will be 15.2637 acres and each lot will have one dwelling unit right. He stated one item to note is that about 90% of this property is below 800 feet in elevation.

He said that on March 25, 2016 the required pre-application site visit was made by Alison Teetor, Natural Resources Planner and Drew Martin, Greenway Engineering Surveyor, to gain an understanding of the subject property's vegetative and topographic characteristics. He stated that Lot 1 and Lot 2 are shown to have VDOT approved entrances. He said that a feasibility report from the Health Department was provided with the complete subdivision application. He stated that the drainfield sites proposed for both lots are four bedroom septic systems. He said that the Health Department has provided follow-up comments indicating that paperwork corrections are needed regarding the sewage system design, but the locations are approved. He stated that the Health Department is prepared to sign the plats once the corrected paperwork is submitted. He said that resistivity testing is not required since the subject property is non-karst.

Mr. Fincham said that we have received no written comments from VDOT. He stated that he has spoken to Bobby Boyce with VDOT and he said that the entrances may need site distance. He stated that Staff recommends that the Commission defer action on the plat and return it to the applicant until VDOT comments are received and any required revisions are made. He said that this would satisfy the Commission's 60-day time limit for review of the minor subdivision plat. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to defer action and return the plat to the applicant until VDOT comments are received and any required revisions are made.

Yes: Bouffault (seconded), Buckley, Lee, Kreider, Kruhm (moved), Daniel, Malone, Nelson and Ohrstrom

No: No one

Absent: Caldwell and Turkel

Set Public Hearing

TA-16-03, Addition of Farm Distilleries as a Permitted Use in the AOC and FOC Districts; Use of Waterworks by Farm Breweries, Farm Wineries, and Farm Distilleries.

Mr. Stidham explained this proposed text amendment. He said that in 2015 the General Assembly added new language to the Code of Virginia that limits local regulation of the holds of "limited

distiller's licenses" in accordance with the Alcoholic Beverage Control Act. He said that new regulations mirror recently adopted rules limiting local regulation of farm wineries and farm breweries, essentially mandating that localities allow "farm distilleries" as a by-right use in agricultural zoning districts. He said the proposed text amendment is narrowly drawn to remove the waterworks prohibition only for by-right farm breweries and farm wineries in an effort to avoid conflicting with State law requirements. He said the amendment would not extend to any other permitted or special uses in the AOC and FOC Districts. He stated that this is likely to impact farm distilleries – a new permitted use that is proposed with this text amendment. He said the proposed waterworks regulations text amendment language has been drafted to include farm distilleries in addition to farm breweries and farm wineries.

Commissioner Bouffault questioned the water usage for these operations. Mr. Stidham stated that the Health Department is only monitoring the domestic side of these operations. He said that the Health Department is not regulating the processed water. He said that when Staff was researching breweries some operations were using a separate source of water for the processed water. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to set Public Hearing on the proposed Text Amendment for the next Planning Commission meeting on September 2, 2016.

Yes: Bouffault (moved), Buckley, Lee, Kreider, Kruhm, Daniel, Malone (seconded), Nelson and Ohrstrom

No: No one

Absent: Caldwell and Turkel

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that Handsome Brook Farms is going to be opening an operation to sell and distribute pasture raised eggs in the Town of Berryville located on 230 First Street. She said that the Telecommunications Contractor will be chosen in July. She stated that all the people that were interviewed seem to understand what we are looking for. She said that at the Board meeting in June during the citizen comment period, County resident, Chris Bates said that it would only be a matter of time before someone gets killed at the Lake Frederick intersection on Route 522. He said that the yellow flashing lights at that intersection confuse people that are not familiar with the area. She said that two weeks later his comment proved to be true as a man on his way to work was killed in the same area Mr. Bates spoke about. She also mentioned that Hecate (Solar Farm) was approved at the June BOS meeting. She said that Hecate was extremely complimentary of our Staff on how helpful they were through the entire process.

Board of Septic & Well Appeals (George Ohrstrom, II)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

No report.

Conservation Easement Authority (George Ohrstrom, II)

Commissioner Buckley stated that the CEA is working on several large properties which would retire approximately ten dwelling unit rights. He thanked Mr. Ohrstrom for hosting a reception for the Easement Authority last week. He said that it was a great turn out with about 75 people attending.

Other Business

Chair Ohrstrom stated that he would like the PEC students to introduce themselves and the Planning Commission to introduce themselves. An open discussion then took place regarding topics of interest to the students. Chair Ohrstrom concluded by inviting everyone to a barbeque lunch at his barn.

On motion by Commissioner Kruhm and seconded by Commissioner Nelson the meeting was adjourned at 10:23 a.m.

George L. Ohrstrom, II, Chair

Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary