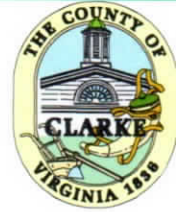


# Clarke County

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## PLANNING COMMISSION BRIEFING MEETING MINUTES TUESDAY, JUNE 28, 2016



A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, June 28, 2016.

### ATTENDANCE

**Present:** George L. Ohrstrom, II (Chair); Robina Bouffault; Randy Buckley; Scott Kreider; Frank Lee; Jon Turkel; Cliff Nelson; Gwendolyn Malone;

**Absent:** Anne Caldwell (Vice Chair); Douglas Kruhm; Mary Daniel

**Staff Present:** Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

### CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 3:00PM.

### AGENDA

The meeting agenda was approved by consensus as presented.

Mr. Fincham provided an overview of the two minor subdivisions for consideration at the July 1 meeting.

Mr. Fincham distributed copies of the proposed plat for the Moore & Dorsey minor subdivision application (MS-16-04 & MLSE-16-03) and described the proposed division and maximum lot size exception request. He reviewed the supplementary staff report that addresses comments received from VDOT since the meeting packet was distributed. He stated that a note would have to be included on the final plat to require entrance upgrades at the time of building permit issuance. He also noted updates to the plat including a flared entrance design and reserve drainfield location. He concluded by stating that Staff is now recommending approval of the minor subdivision.

Chair Ohrstrom asked for clarification on the subdivision location in reference to an existing road to the property owner's silo, and Mr. Lee and Mr. Fincham provided more details on the location.

Mr. Fincham reviewed the Wine/Flaherty minor subdivision application (MS-16-05), noting that this is the first subdivision proposed in the FOC District since the adoption of the new FOC subdivision regulations earlier in the year. He provided a detailed overview of the applicant's compliance with the new regulations, noting how this information is depicted on the plat and indicating that some of

the requirements do not apply to this parcel due to the slope and elevation. He also reported that VDOT has not completed review of the proposed entrances and they are not expected to do so by Friday's meeting due to staffing issues. He added that VDOT staff expressed concerns with sight distance for both entrances.

Chair Ohrstrom asked if the deferral would impact the Commission's 60-day deadline to act on the plat. Mr. Stidham replied that deferring action on the plat and returning it to the applicant to complete outstanding issues would amount to a denial of the plat and would satisfy the 60-day deadline. The new review timeline would start when they resubmit with comments addressed, and he noted that no additional fees would be charged. Mr. Lee asked about the speed limit on Ebenezer Road and Mr. Fincham said he did not think it was posted, making the speed limit 55MPH. Ms. Bouffault asked if Ebenezer Road is a scenic byway as she thought that byways have a 45MPH speed limit. Mr. Stidham replied that he did not believe scenic byways had a maximum 45MPH speed limit. Mr. Fincham gave a brief overview of the Health Department review of the proposed well and septic system and concluded his presentation by noting the deferral recommendation due to the incomplete VDOT review.

Mr. Stidham reviewed the request to set public hearing on the text amendment to add farm distilleries as a permitted use in the AOC and FOC Districts and to exempt farm wineries, farm breweries, and farm distilleries from the prohibition on using a waterworks. Members had no questions on the proposed text amendment.

Mr. Stidham noted that the Friday meeting will conclude with an open discussion with the Piedmont Environmental Council Fellowship program participants. Chair Ohrstrom invited members to attend a barbecue luncheon with the program participants following the Commission meeting.

### **Old Business Items**

#### **Review of 2016 Project Priorities**

Mr. Stidham stated that this item is the mid-year review of the Commission's project priorities list and he reported that the top six items on the list have been completed. Ms. Bouffault asked about the Telecommunications Subcommittee work on the monopole regulations, and Mr. Stidham said that he could add that to the list. Members agreed that they were comfortable with the addition of this item and the modifications recommended by Staff to the remaining priorities.

Chair Ohrstrom left the meeting at 3:26.

### **New Business Items**

#### **Update, County Stormwater Management Ordinance**

Mr. Stidham updated the Commission on DEQ's recent email to Staff indicating that State law adopted in 2014 preempts Clarke County from enforcing stormwater ordinance requirements that are more stringent than the State's stormwater regulations. He noted that per DEQ, only localities that have chosen to "opt-in" to managing the Virginia Stormwater Management Program are allowed to have more stringent regulations and those regulations must be formally reviewed and approved by

DEQ. He also explained the conflict that arose during the Hecate Energy solar farm special use permit review between the County's and applicant's engineering consultants in interpreting the County's stormwater ordinance and debating which methodologies should be used. As a result of this conflict, the applicant's consultant contacted DEQ for technical assistance resulting in the aforementioned correspondence being sent to County Staff regarding the validity of the County's ordinance. He noted that the County Attorney has reviewed DEQ's position and has recommended that the County's stormwater ordinance be repealed. Mr. Stidham said that he will be taking the item to the Board at their July meeting for discussion. He added that in speaking with DEQ Staff member who wrote the email, she believes that the State's regulations and methodologies produce a result that is equal to or more stringent than what the County was attempting to accomplish in 2010. She also noted that while there are counties in the State that are using more stringent phosphorus thresholds with State approval, none of them are using Clarke County's 0.28 standard.

**Other Business**

Mr. Stidham reported that the Board of Supervisors approved the solar farm special use permit application at their June 21 meeting and he distributed copies of the approved conditions to the members. He briefly explained the changes to conditions that were made since the Commission completed their review of the application.

He also provided copies of the adopted 2015 Berryville Area Plan to the members. Mr. Lee reported that he has stepped down from the Berryville Area Development Authority and has been replaced by Matt Bass.

Mr. Stidham concluded the meeting by noting that the Agricultural Land Plan Subcommittee will be meeting on August 2 at 3:30PM and the Business Intersection Area Plans Subcommittee will meet on July 21 at 2PM.

The meeting was adjourned by consensus at 3:42PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham, Planning Director