

# Clarke County

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## PLANNING COMMISSION REGULAR MEETING MINUTES FRIDAY, OCTOBER 7, 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, October 7, 2016.

### ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair (arrived late); Robina Bouffault; Randy Buckley; Mary Daniel; Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson; 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.

### APPROVAL OF AGENDA

The Commission voted to approve the Agenda.

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

**No:** No one

**Absent:** Caldwell

Vice Chair Caldwell entered the meeting.

### APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of August 30, 2016.

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

**No:** No one

**Abstained:** Buckley

The Commission voted to approve the regular meeting minutes of September 2, 2016.

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

**No:** No one

**Abstained:** Ohrstrom and Malone

## **Public Hearings**

**AFD-16-01, George E. & Sun H. Riley.** Request addition of an 11.61 acre parcel to the Clarke County Agricultural & Forestal District (AFD), identified as Tax Map #6-A-53B located at 2246 Russell Road in the Russell Election District.

Mr. Fincham stated that a new application has been submitted requesting to add 11.61 acres to the Agricultural and Forestal District for 2016. He said the property is owned by George E. and Sun H. Riley and is located at 2246 Russell Road in the Agricultural Open-Space Conservation District (AOC) and identified as Tax Map #6-A-53B. He stated that the property is in Land Use and there are no remaining dwelling unit rights on this property. He said that at the AFD Committee meeting on August 25, 2016 the Committee voted 9 to 0 to recommend to the Planning Commission acceptance of the parcel. After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments. There being no public comments Chair Ohrstrom called for a motion.

The Commission voted to approve the request of an addition of an 11.61 acre parcel to the Clarke County Agricultural & Forestal District.

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

**No:** No one

## **Revised 2016 Waterloo Area Plan.**

Mr. Stidham briefly reviewed the Revised 2016 Waterloo Area Plan. He stated that at the September briefing and regular meetings edits were requested by the Planning Commission. He said that the edits have been added to the revised draft. He stated there are four new plan goals: promoting broadband accessibility; proactive strategies for business development; ensure attractiveness and marketability; maintain current area plan boundaries and the form, scale, and current capacity for development. He said the three new objectives are: set aside funding annually for capital project investment; pursue approaches to make water and sewer more affordable; and establish/maintain regulations to ensure quality and efficient site development standards and compatible uses. He stated that the Conclusion describes the process for ensuring the Plan is reviewed every five years.

Chair Ohrstrom thanked the Committee and Staff for their time and hard work on this project. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing. There being no public comments, Chair Ohrstrom closed the public hearing.

The Commission voted to recommend approval of the 2016 Waterloo Area Plan as presented by Staff.

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

**No:** No one

**Revised 2016 Double Tollgate Area Plan.**

Mr. Stidham briefly reviewed the Revised 2016 Double Tollgate Plan. He said that a change was made to the Introduction in the Double Tollgate Area Plan along with new language to further emphasize that Double Tollgate is intended to be a “deferred growth area.” He said that we will continue to identify Double Tollgate as a growth area but because the growth assumptions that were established when the Area Plan was originally written have not been met – Lake Frederick has not reached build-out, there is no available public sewer capacity from Frederick County, and actual traffic counts are below projected numbers -- no further action is recommended on the area until growth triggers occur. He added that we will be able to track changes on a more frequent basis with the Area Plans being evaluated every five years. He stated that there are three new Plan Goals: deferred growth area designation; maintain current Area Plan boundaries, form and scale and current capacity for development; and Broadband accessibility. He said there are three new Objectives: set aside funding annually for capital project investment, pursue approaches to make water and sewer more affordable, and establish/maintain regulations to ensure quality and efficient site development standards and compatible uses. He stated that the Conclusion describes the process for ensuring the Plan is reviewed every five years. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

Barbara Seldon, co-owner of Dinosaur Land, was present and stated that she has concerns with there not being any water and sewer available in this area. She asked how any business can come to this area if we do not have water and sewer available. She said that her other concern is the availability of internet. Chair Ohrstrom stated that there is no place in that area to put in a water/sewer plant. He said that the County does not have a big enough budget to fund it. He said that he hopes that the State comes up with a plan to upgrade the Department of Corrections area which could possibly help with the water/sewer problem. He suggested that she talk to her Supervisor with her concerns. Commissioner Daniel suggested she contact Senator Vogel and Delegate Randy Minchew as they are both familiar with this area and tell them your concerns. Commissioner Bouffault suggested an Internet Service that may be able to help you get internet in your area.

JoAnn Light, co-owner of Dinosaur Land, was present and stated that two of the lots at Dinosaur Land are zoned commercial but there is no water or sewer available. She said she would like to see a way of getting water/sewer in the Double Tollgate area. She stated that internet service is really needed for their business.

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

The Commission voted to recommend approval of the 2016 Double Tollgate Area Plan as presented by Staff.

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

**No:** No one

## **Board/Committee Reports**

### **Board of Supervisors (Mary Daniel)**

Commissioner Daniel stated that the Board of Supervisors received a report from the Northern Shenandoah Valley Regional Commission regarding the USDA Rural Development Plan which is now on their website. Chair Ohrstorm asked if they have any money for the internet. She said that this is something she is discussing with Supervisor McKay. She said she asked him to look into some of the few rural organizations that may have something. She stated that we are trying and we keep looking. She said that the Board of Supervisors had a public hearing for Steven Soechtig for an Administrative Appeal of the Board of Septic Appeals decision. She stated a decision may be made at the next meeting.

### **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)**

Chair Ohrstrom stated that the Conservation Easement Authority is probably going to look at redoing the easement template soon. He stated that earlier this year the Virginia State Supreme Court heard a case from the Wetlands American Trust which is Ducks Unlimited regarding an easement they held in Loudoun County. He said the easement was being challenged because the property owner wanted to build a huge bridge over a small creek which would significantly alter all sorts of terms of an easement. He stated that the Loudoun County Circuit Court made the decision that any ambiguities in the language of an easement would now be interpreted in favor of the land owner and not in favor of the easement holder. He said that most organizations that deal with Conservation Easements in the State of Virginia are now studying their templates carefully to remove any ambiguities and trying to figure out how to deal with this situation.

On motion by Commissioner Malone and seconded by Commissioner Caldwell the meeting was adjourned at 9:50 a.m.



George L. Ohrstrom, III



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary