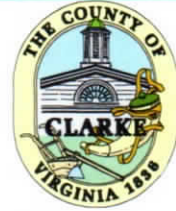


Clarke County



PLANNING COMMISSION REGULAR MEETING MINUTES FRIDAY, SEPTEMBER 2, 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, September 2, 2016.

ATTENDANCE

Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Mary Daniel; Scott Kreider; Doug Kruhm; Frank Lee; Cliff Nelson; and Jon Turkel.

ABSENT

George L. Ohrstrom, II, Chair; and Gwendolyn Malone

STAFF

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

CALLED TO ORDER

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

APPROVAL OF AGENDA

The Commission voted to approve the Agenda as amended. Mr. Stidham noted the addition of the Draft Waterloo and Double Tollgate Area Plans as new set public hearings under #6.

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

No: No one

Absent: Ohrstrom and Malone

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of June 28, 2016.

Yes: Bouffault, Buckley (seconded), Kreider (moved), Lee, Nelson, and Turkel

No: No one

Absent: Ohrstrom and Malone

Abstained: Caldwell, Kruhm and Daniel

The Commission voted to approve the regular meeting minutes of July 1, 2016.

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

No: No one

Absent: Ohrstrom and Malone

Abstained: Caldwell and Turkel

Minor/Major Subdivision

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 explained this request. He said that the Commission reviewed this request at the July 1, 2016 meeting and voted to defer action because the Virginia Department of Transportation (VDOT) comments on the proposed entrances had not been provided. He stated that since the July meeting, VDOT has commented that sight distance can be obtained to allow construction of standard private entrances for both proposed lots. He stated that per VDOT comments, in order to get sight distance there are four marked trees on the adjoining property that will need to be removed. He said that the trees are obstructing the sight distance to the south and need to be removed from the VDOT right of way prior to the issuance of the entrance permit. Vice Chair Caldwell stated that she visited the site and believes VDOT is using unreasonable standards for requesting that the trees be removed. She said that it is not a posted speed road and the fastest you can travel on that section of road is about 25 miles per hour. She said that most people travel the road at about fifteen to twenty miles per hour. After discussion with Staff and the Commission, Vice Chair Caldwell called for a motion.

The Commission voted to approve this request subject to VDOT satisfaction.

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

No: No one

Absent: Ohrstrom and Malone

MS-16-06 Lindsay Harris/Peter Schaffer. Approval of a one lot Minor Subdivision for the property identified as Tax Map #33-7-4, located in the nineteen thousand block of Blue Ridge Mountain Road in the Millwood Election District zoned Forestal Open-Space Conservation (FOC).

Mr. Fincham explained this request. He said that the applicants propose to subdivide the parcel along the jurisdictional County line resulting in a 3.119 acre parcel located entirely in Clarke and the remaining 15.0304 acres located entirely in Loudoun. He said that the purpose of the transaction is to allow the Clarke portion of the parcel to be used as a building lot. He said that after consulting with the County Attorney, it was determined that this would be best handled through the County subdivision process. He said if this is approved the new lot will be assigned a Tax Map Number and a Dwelling Unit Right will be allocated to the conforming FOC lot. He stated that Lot 4B will be provided ingress and egress from the approved private entrance shown on the plat. He said that VDOT has provided comments that sight distance can be obtained to allow construction of a standard private entrance, but notes that there may be several trees that will need removed from the property frontage and the VDOT right of way prior to an entrance permit being issued. He said that Loudoun County was a reviewing agency only and this subdivision is not going through their formal subdivision process. He stated that there is a signature blank for the Loudoun County Planning Department on the plat and the plat most likely will be recorded in both jurisdictions. After discussion with Staff and the Commission, Vice Chair Caldwell called for a motion.

The Commission voted to approve this request on condition that trees identified by VDOT are removed prior to issuance of an entrance permit.

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

No: No one

Absent: Ohrstrom and Malone

MS-16-07, Gregory and Joann Davis Cornwell. Approval of a two lot Minor Subdivision for the property identified as Tax Map #15-A-55 located at 66 Cannon Ball Road in the Buckmarsh Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Fincham explained this request. He said that the property owners are preparing for potential sale of the property and propose this minor subdivision in the following lot configurations: Lot 3 = 3 acres (no dwelling/1 Dwelling Unit Right (DUR), Residue Lot = 39.9294 acres (two existing dwellings/no DURs remaining); Total area in subdivision = 42.9284 acres. He said that one of the dwellings on the proposed plat labeled #188 may be razed in the future and the DUR returned to the Residue Lot. Mr. Fincham mentioned that there is a question between himself, the surveyor and the applicant as to whether the name on the plat should be JoAnn Davis Cornwell. He said that the correct legal name will be on the plat before it is signed.

The Commission voted to approve this request.

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

No: No one

Absent: Ohrstrom and Malone

Abstain: Lee

Set 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-63B located at 2246 Russell Road in the Russell Election District.

Mr. Fincham said that one application was filed to add a new parcel to the District. He said that the property owners are George and Sun Riley and the property is identified as Tax Map #6-A-53B and located at 2246 Russell Road and zoned Agricultural Open-Space Conservation. He said that at the Agricultural and Forestal Committee meeting on August 25, 2016 the Committee voted 9 to 0 to recommend to the Planning Commission acceptance of the parcel of 11.61 acres. Commissioner Bouffault asked if larger copies of the Ag & Forestal District maps could be made so that each Planning Commissioner could have their District in a larger size for easier work. Commissioner Turkel said that this could be done. After discussion with Staff and the Commission, Vice Chair Caldwell called for a motion.

The Commission voted to set public hearing for this request for the next regular meeting of the Commission on October 7, 2016.

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

No: No one

Absent: Ohrstrom and Malone

2016 Waterloo Area Plan and 2016 Double Tollgate Area Plan

Mr. Stidham said that these plans were discussed extensively at the Briefing Meeting and the Commission made a number of comments. He said that these comments will be incorporated into the next draft of these Plans. He said that these Plans will be in the October Packets. After discussion with Staff and the Commission, Vice Chair Caldwell called for a motion.

The Commission voted to set public hearing on these Plans for the next regular meeting of the Commission on October 7, 2016.

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

No: No one

Absent: Ohrstrom and Malone

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. Proposed text amendment to amend Section §3-A-1-a, Agricultural Open-Space Conservation District (AOC); §3-A-2-a, Forestal Open-Space conservation District (FOC); §3-A-2-e, Installation of Waterworks or Sewerage System & Treatment Works; §3C, Supplementary Regulations; and §9-B, Definitions, of the Zoning Ordinance. The amendment serves two purposes:

1. To create a new permitted use, "farm distilleries," in the AOC and FOC Districts, and to define and establish supplementary regulations for the use. Language is included to require zoning approval and issuance of a business license prior to operating a farm distillery including provision of approved private well and onsite septic system permits issued by the Virginia Department of Health.
2. To allow the use of a waterworks by farm breweries, farm wineries, and farm distilleries in the AOC and FOC Districts. This allowance is necessary in order to avoid potential conflicts with Code of Virginia regulations on these uses. The amendment also revises the definition of "waterworks" for clarification purposes.

Mr. Stidham stated that this amendment was recommended by the Board of Supervisors. He said the amendment serves two purposes. He said one is to create a new permitted use "farm distilleries" in the AOC and FOC Districts. He said the other one is to allow the use of a waterworks by farm breweries, farm wineries and farm distilleries in the AOC and FOC districts. After discussion with Staff and the Commission, Vice Chair Caldwell opened the public hearing.

There being no public comments, Vice Chair Caldwell closed the public hearing and called for a motion.

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

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

No: No one

Absent: Ohrstrom and Malone

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that at the Board of Supervisors meeting in August the Board set public hearing on the proposed amendment to repeal Chapter 154, Stormwater Management of the Code of Clarke County. She said that the Board talked about the ball field lighting at the Park but it is still not ready to move forward as the Finance Committee needs to review it. She stated that Steven Soechtig filed an Administrative Appeal with the Board of Septic Appeals which may move forward to the Board of Supervisors at their next meeting. She said on September 24th an emergency response exercise will take place at Clarke County High School.

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

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

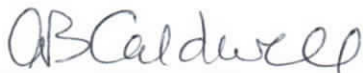
Historic Preservation Commission (Doug Kruhm)

No report.

Conservation Easement Authority (George Ohrstrom, II)

Commissioner Buckley stated that they are currently working through several easements. He said that the summer intern has completed the annual inspections of each property.

On motion by Commissioner Kruhm and seconded by Commissioner Turkel the meeting was adjourned at 9:33 a.m.



Anne Caldwell, Vice Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary