

# Clarke County

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## PLANNING COMMISSION REGULAR MEETING MINUTES FRIDAY, NOVEMBER 4, 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, November 4, 2016.

### ATTENDANCE

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

**ABSENT:** Cliff Nelson

### 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 9:02 a.m.

Commissioner Bouffault stated that she would like to add an item to the Agenda to discuss the Telecommunications Study done by the Atlantic Group. Chair Ohrstrom stated that this discussion can be included under Other Business.

### APPROVAL OF AGENDA

The Commission voted to approve the amended Agenda.

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

**No:** No one

**Absent:** Daniel and Nelson

### APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of October 4, 2016.

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

**No:** No one

**Abstained:** Lee

**Absent:** Daniel and Nelson

The Commission voted to approve the regular meeting minutes of October 7, 2016.

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

**No:** No one

**Absent:** Daniel and Nelson

**MLSE-16-04/MS-16-08, Margaret R. Dillow, Joyce R. Singhas, Thomas A. Cather, Michael R. Cather, and Raymond N. Cather.** Request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #7-A-7E located at 189 Cather Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Fincham explained this request. He said the applicants are requesting approval for a two lot Minor Subdivision and Maximum Lot Size Exception. He said that Lot 1 is 5.888 acres with 1 existing house and no dwelling unit right remaining. He stated that the Residue Lot 3 is 19.624 acres with no existing dwelling and 1 dwelling unit right remaining. He said that the Health Department has completed their review and is prepared to sign the final plats. He stated that VDOT has contacted Staff in regard to the proposal and has no objection to the subdivision as proposed. He said that the recommendation of Staff is to approve the two-lot Minor Subdivision. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request as presented

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

**No:** No one

**Absent:** Daniel and Nelson

**MS-16-09, Ronald E. DeHaven.** Request approval of a two lot Minor Subdivision for the property identified as Tax Map #6-A-16 located at 197 Neill Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

Mr. Fincham explained this request. He said that the applicant is requesting approval for a two lot Minor Subdivision. He said that Lot 1 is 3.00 acres with no existing dwelling and one dwelling unit right remaining. He stated that the Residue lot is 44.933 acres with one existing dwelling and no dwelling unit right remaining. He said that VDOT has requested a 50' radius cul-de-sac right of way be dedicated to public use at the intersection of Neill Road and the proposed private access easement which has been provided on the revised plat. He stated that VDOT asked that the property owner and the County Board of Supervisors consider officially abandoning Neill Road beyond the entrance to the DeHaven property. He said that the recommendation of Staff is to approve the two-lot Minor Subdivision. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

Commissioner Daniel entered the meeting.

The Commission voted to approve this request as presented.

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

Ohrstrom, and Turkel  
**No:** No one  
**Absent:** Nelson

### **Set Public Hearing**

#### **TA-16-04, Amend Stormwater Management Regulations**

Mr. Stidham explained this proposed Text Amendment. He said that the proposed amendment is to reconcile the Zoning and Subdivision Ordinances with the recent repeal of Chapter 154, Stormwater Management, Code of Clarke County. He said that former local stormwater management regulations will be replaced with reference to State regulations and additional edits are proposed for clarity purposes. He stated that it is the recommendation of Staff to set public hearing for this proposed text amendment at the next meeting of the Planning Commission on December 2, 2016. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Planning Commission voted to set public hearing for the next regular meeting of the Planning Commission on December 2, 2016.

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

**No:** No one

**Absent:** Nelson

### **Board/Committee Reports**

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

Commissioner Daniel stated that the Board of Supervisors had their meeting yesterday to avoid conflict with upcoming events. She said that a traffic light at the Lake Frederick intersection on Route 522 South will be activated on November 10<sup>th</sup> between 10:00 a.m. and noon. She stated that the Board of Supervisors want to have a public meeting to hear the presentation from the engineering firm that did the Telecommunications Study and they prefer to do it at a time in the evening when more members of the public can attend. She said that the Board of Supervisors emphasized that they want the Planning Commission to attend this meeting. She said what has been tentatively set subject to participation by the Planning Commission is November 29<sup>th</sup> at 7:00 p.m. Mr. Stidham stated that this date is available for the engineering firm and as soon as he gets official confirmation he will let everyone know. She stated the Board of Supervisors will be having a public meeting with the State Legislators and possibly a Congressional representative on December 5<sup>th</sup> and this will be a public meeting. She said that at the December 20<sup>th</sup> Board of Supervisors meeting there are nine public hearings scheduled starting at 6:30 p.m.

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

No report.

#### **Board of Zoning Appeals (Anne Caldwell)**

No report.

### **Historic Preservation Commission (Doug Kruhm)**

Commissioner Kruhm stated that there was a public meeting in which Maral Kalbian did a presentation. He said he was unable to attend that meeting but asked Commissioner Caldwell to comment on the meeting. She said that the Historic Preservation Commission has obtained a grant from the State to develop a book documenting Clarke County through its architecture. She stated that Maral Kalbian, Architectural Historian for the County, has done a similar book for Frederick County. She said that the public meeting was held to get input into the outline/organization of the book. She stated that it was a good presentation and there were a lot of interesting comments made.

### **Conservation Easement Authority (George Ohrstrom, II)**

Chair Ohrstrom stated that we are working on closing some easements. He said we are still working on the easement template and any conflict in language between the easement holder and the land holder should now be looked at and approved in favor of the land owner not the easement holder.

### **Other**

#### **Telecommunications Study – Discussion**

Commissioner Bouffault stated that Commissioner Daniel has already referred to the Telecommunications Study that is going to be presented to the Board of Supervisors on November 29th for final approval. She said that the Telecommunications Subcommittee of this Commission has not had the chance to review or comment on the study. She stated that this would not be a problem if not for the fact that we are currently working on the Telecommunications Ordinance which refers to this study and incorporates it into the ordinance. She said that if the study was not being used as a basis for the ordinance it would be a different issue. She asked the Commission for comments on this matter.

Chair Ohrstrom asked if it would be appropriate for the Planning Commission to look at the study beforehand. Commissioner Bouffault said that Mr. Stidham referred to the study as the final draft for approval. Mr. Stidham said that the study is still Draft #1 so it has not been finalized. Commissioner Bouffault asked who is going to finalize it. Mr. Stidham said he is confused because we did provide copies of this study to the Telecommunications Subcommittee. Commissioner Bouffault said that they received copies one day after the Board of Supervisors. She said she sent an email stating she did not consider it appropriate for the Subcommittee to be commenting on something that is in front of the Board of Supervisors when the Planning Commission has not been given an opportunity to consider it. Commissioner Turkel said that the study probably has information that the Subcommittee could review and study. He said it seems as though the Subcommittee is out of the loop and everything has gotten off track. Commissioner Daniel asked if the Board of Supervisors received a copy of this document and Mr. Stidham said yes around the 17<sup>th</sup> or 18<sup>th</sup> of October. He stated that this document is a public record and he said he has had someone from the public request a copy because it was mentioned in the minutes.

Commissioner Bouffault said her only concern is not whether a copy has been distributed but the fact that the Subcommittee is going to be asked to work on the corresponding ordinance with this as not just a referral document but the basis of the Ordinance. She stated that Broadband is probably the most pressing issue in our County right now and there will be no Economic Development of any businesses if we do not have adequate Broadband. She said that using this study as the basis of an


ordinance without the Planning Commission having read it ahead of time is not the right procedure. Commissioner Daniel said the only question that is going to be in front of the Board is whether this study is compliant with the Request for Proposal (RFP). She stated that the intention is to use the study as a planning guide not only for this Commission but several other Boards, panels and committees. Chair Ohrstrom stated that basically what the Board of Supervisors is saying is that this report answered the request for proposal and it therefore means the County coffers can go ahead and pay the Atlantic Group for the study. He said that it does not mean they are approving this proposed study as the basis for the future ordinance. Mr. Stidham said the way he described it to the Board was that we would ask the Board to recommend that they act to accept the study. He stated that this is not the same as adopting the County's Comprehensive Plan. He said that the Board is giving it some level of weight so that we can continue to work on the Zoning Ordinance Text Amendment. He stated that we can then reference that document if that is what the Planning Commission and the Subcommittee wants to do. He said that the Text Amendment is the Planning Commission's document. Commissioner Bouffault said she knows that and that is what she is trying to clarify. She said she understands it to mean that it will come back to the Subcommittee and we will continue working on the ordinance and a make a determination at that time. Mr. Stidham confirmed that it would. She said that she wanted to clarify that since the Board of Supervisors is accepting it that it does not mean that this is going to be the ordinance as is. She said she thought that the Planning Commission would have to recommend it to the Board of Supervisors. Chair Ohrstrom said that the Planning Commission would recommend this to the Board of Supervisors because the Planning Commission is the entity that writes the Text Amendment. Commissioner Bouffault said that she understands now and is fine with the process.

Commissioner Kruhm said he does not believe that the study is ready to move forward as an official document and the Planning Commission needs to review the study. He said the Commission needs to review the Subcommittee's comments on the study and it will be a document that we can work with in the future. Chair Ohrstrom asked if we can do this by email. Mr. Stidham said he will email the Planning Commission a copy of the draft study that we have right now. He said that he would need these comments back from the Planning Commission by November 14<sup>th</sup>. He stated if we want the consultant to be ready to present this by the end of the month we are going to have to keep a tight deadline. Chair Ohrstrom suggested that the Subcommittee have a public meeting to go over their comments. Commissioner Caldwell stated that what is being presented is Draft #1 and there may be some issues with this draft before November 29<sup>th</sup>. She said that comments received before November 29<sup>th</sup> could possibly be presented on November 29<sup>th</sup> with the improved comments as the final draft. She said that in her perspective the group with the most weight in the evaluation of their comments would be the Telecommunications Subcommittee and hopefully they can meet sooner rather than later. She said that these comments should go to the Board of Supervisors and to the consultant. Mr. Stidham said it is still Draft #1 and we did provide copies of this to the Subcommittee. Commissioner Bouffault feels the Planning Commission and Subcommittee should be allowed to review it before the Board of Supervisors. Chair Ohrstrom stated that just because the Board of Supervisors is approving this does not mean it will be going in the ordinance. He said that the Planning Commission is the entity that writes the ordinance. Commissioner Daniel said that the input we receive from the Planning Commission is extremely important to the Board of Supervisors. Commissioner Bouffault said that the comments need to be approved by the Subcommittee before moving forward to the consultant and the Board of Supervisors. After discussion with the Planning

Commission it was agreed that the Subcommittee will have a meeting on November 14, 2016 at 4:00 p.m.

Mr. Stidham explained to the Planning Commission that there is enough funding to have three Commissioners attend the 89<sup>th</sup> Certified Planning Commissioner Program. He said that it is a ten-week program that runs from March 3, 2017 through May 6, 2016. He told the Commissioners if anyone is interested in attending this program to please let Staff know.

On motion by Commissioner Caldwell and seconded by Commissioner Malone the meeting was adjourned at 9:49 a.m.



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George L. Ohrstrom, III



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Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary