

Clarke County



PLANNING COMMISSION REGULAR MEETING MINUTES FRIDAY, DECEMBER 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, December 2, 2016.

ATTENDANCE

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

ABSENT:

Anne Caldwell, Vice Chair

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.

APPROVAL OF AGENDA

The Commission voted to approve the Agenda.

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

No: No one

Absent: Caldwell and Daniel

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of November 1, 2016.

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

No: No one

Absent: Caldwell and Daniel

The Commission voted to approve the regular meeting minutes of November 4, 2016.

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

No: No one

Absent: Caldwell & Daniel

Abstained: Nelson

Commissioner Daniel entered the meeting at 9:04 a.m.

Set Public Hearing Item

Revised 2016 Agricultural Land Plan

Mr. Stidham explained that this item was discussed in detail at the Briefing Meeting. He said that the Agricultural Land Plan was put together in conjunction with the Subcommittee that the Planning Commission formed. He stated that the Subcommittee consisted of Randy Buckley, Robina Bouffault and Jon Turkel. He said that Corey Childs and Emily Day from the Agricultural and Forestal District Advisory Committee were also on the Subcommittee. He said that the Subcommittee had five meetings from May until early fall to produce the revised draft. He said that at the public hearing we will have a detailed presentation and will make sure we have outreach information available for the public. Chair Ohrstrom asked if the Subcommittee will be at the public hearing and Mr. Stidham said that we are inviting them. Chair Ohrstrom said that the Subcommittee has done a really nice job on this Plan and he wants to give the Subcommittee a public thank you for their work on this Plan. After discussion with Staff and the Commission Chair Ohrstrom called for a motion to set public hearing.

The Commission voted to set public hearing on the 2016 Revised Agricultural Land Plan for the next regular meeting of the Commission on January 6, 2017.

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

No: No one

Absent: Caldwell

Public Hearing Item

TA-16-04, Amend Stormwater Management Regulations

Proposed text amendment to amend Zoning Ordinance §3-A-8, Business Commercial (BC); §3-A-9, Business (B); §3-A-10, Business Park (BP); §3-E-1, Flood Plain District (FP); §4-F, Drainage; and Article 6, Site Development Plans; and to amend Subdivision Ordinance Article 4, Procedure for Subdivision Approval; §8-I, Drainage; §8-J, Private Access Easements; and §11-A, Improvements. The purpose is to reconcile the Zoning and Subdivision Ordinances with the recent repeal of Chapter 154, Stormwater Management, of the Code of Clarke County. Former local stormwater management regulations will be replaced with reference to State regulations, and additional edits are proposed for clarity purposes.

Mr. Stidham explained this text amendment. He said that the Virginia Department of Environmental Quality notified the County Planning Department Staff that the County is not authorized to enforce its more stringent local stormwater regulations and that the County's stormwater ordinance is "null and void." He stated that State law only authorizes localities to have more stringent regulations if they are a Virginia Stormwater Management Program (VSMP) Authority responsible for issuing the State permits – also referred to as an "opt in" locality. He stated that localities such as Clarke County that

have “opted out” of accepting responsibility of managing the VSMP process are prohibited under State law from applying more stringent regulations. He said those counties that have “opted in” and are VSMP authorities can only have more stringent regulations if they are approved by the State to have such regulations. He said the County Attorney reviewed DEQ’s position and concurred, ultimately resulting in action by the Board of Supervisors to repeal the County’s stormwater ordinance on September 20. He said as a final step, the Zoning and Subdivision Ordinances must be amended to replace all references to the former stormwater ordinance and local stormwater review process. 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 adoption of the proposed text amendment mmto the Board of Supervisors.

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

No: No one

Absent: Caldwell

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that the Schools have started their budget process and you can go on line to review their materials. She said that the Sanitary District at Shenandoah Farms has been abolished by the Circuit Court. She said that it was deemed impractical to raise taxes to do the maintenance on the roads, etc. She said that the Virginia Association of Counties met last month and she, Bev McKay and Barbara Byrd attended the meeting. She said it was a great opportunity to hear what folks in other counties are doing. She said that the Board of Supervisors received the Telecommunications Study at the presentation on Tuesday night. She stated that telecommunications and glass recycling are the top concerns in the County right now. She said that we meet with the legislative delegation on Monday. She stated that our State Senator and House of Delegates Representatives will be in one room sitting around one table. She said that if there is an issue in particular that you are aware of that you want to hear more about to let her know and she will make sure it comes up. She said that you cannot talk but it is a public meeting and anyone can come. She stated the meeting will be held at Camino Real on the top floor.

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 the Historic Preservation Commission had their meeting on November 16 and one of the items that was discussed is a structure in the County that is on a property that has been subdivided. He said that the property owner wants to get rid of the structure and he was going to tear it down. He said that the Historic Preservation Commission and some other people have

expressed some interest in the structure and together they may try to move the structure to another location. He said that he does not have all of the details yet.


Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the Conservation Easement Authority has a public hearing scheduled at the December 20th Board of Supervisors meeting. He said the public hearing is in regard to get funding to close a couple of easements this year. He said that it is an interesting process of how much we are able to leverage our County's small share of the total cost of these easements with the Virginia Department of Agriculture and Consumer Services.

Other Business

Chair Ohrstrom stated that he received a letter from an anonymous individual saying that one of our Planning Commissioners was engaged in an illegal activity and should be terminated from the Commission. He said that this Commissioner has spoken to him and told him that they were not aware that this was an illegal activity. He stated that this Commissioner has now gone to the proper reviewing agencies and these proper reviewing agencies are still not aware that this was an illegal activity. He said that as far as he is concerned this ends the matter because the Commissioner is trying to do the right thing and he does not want to discuss it further. He also stated that he does not appreciate getting unsigned anonymous letters.

On motion by Commissioner Bouffault and seconded by Commissioner Malone the meeting was adjourned at 9:20 a.m.


George L. Ohrstrom, II


Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary