

Clarke County

PLANNING COMMISSION BRIEFING MEETING MINUTES TUESDAY, JANUARY 31, 2017



A briefing meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, January 31, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel; Douglas Kruhm; Frank Lee; Cliff Nelson; and Jon Turkel.

Absent: George L. Ohrstrom, II; Scott Kreider; and Gwendolyn Malone

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

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:00PM.

AGENDA

The members approved the agenda by consensus as presented.

REVIEW OF AGENDA ITEMS FOR FEBRUARY 3, 2017 MEETING

Mr. Stidham began the meeting with an overview of the Agricultural Business Uses text amendment (TA-17-01) including reviewing additional changes that Staff identified since the January 6 meeting. He stated that Staff reformatted the report to help the public understand the proposed amendment by grouping the changes under topical headings. He added that background information is included to explain how the Commission developed the text amendment and how it expanded beyond the scope of the Board of Supervisors' original request. Regarding the onsite sale of agricultural products by a farm, he noted that the proposed regulations would not allow a farm to sell agricultural products produced by another farm. He gave the example of an apple producer not being allowed to sell eggs from another farm at their farm stand. He said that he wanted to bring this point to the Commission's attention in case they had specific concerns about this issue.

Mr. Lee asked how a nursery that grows trees onsite would be treated if they purchased seedlings from an offsite source. Mr. Stidham replied that they could sell the trees by-right because they are the end product and were grown onsite. Mr. Lee asked whether there would be a time limit that the seedling would have to be in the ground at the nursery before it could be re-sold. Mr. Fincham replied that it is similar to a pig farm that purchases piglets from offsite and sells them after raising them onsite for six months to a year – this would be considered by-right agriculture. He added that it would be difficult

to regulate the time that a plant or animal is on a farm before it can be re-sold onsite but for plants, they would have to be planted onsite for some period of time. Vice-Chair Caldwell asked Mr. Buckley for his opinion and he replied that he agreed with Staff on the interpretation as well as the enforcement concern.

Mr. Stidham also briefly reviewed the proposed rules that would establish a 12,000 square foot floor area threshold to require a special use permit for farm machinery sales and service and farm supplies sales in the AOC District. He noted that this floor area threshold would apply to a single structure or the total floor area of all structures on the property being used for the business. He also added that the Commission has not established a maximum floor area for the special uses but that reliance on well and septic system would likely limit the floor area of these businesses. Mr. Kruhm asked if sprinkler systems would be required for businesses with multiple buildings, rather than a single building, totaling 12,000 square feet or more of floor area. Mr. Stidham replied that it would be up to the Building Official to determine and may include whether smaller buildings are connected with a common roof or breezeway. Vice-Chair Caldwell asked what Staff envisioned the actual size that these businesses could be if well and septic system issues could be minimized, such as only having a small number of employees, and whether the proposed changes leave an opening for very large buildings to be developed. Mr. Stidham said that unless you have a corporate developer that is willing to make a significant investment, it would likely be cost-prohibitive to develop an above-ground storage tank to provide an on-demand water source for the sprinkler system. Vice-Chair Caldwell also asked where we have maximum floor area restrictions in the current ordinance and Mr. Stidham replied that they are in the Highway Commercial District and are intended to prevent "big-box" stores from being developed. She asked what the limitation is and Mr. Fincham said 50,000 square feet.

OTHER BUSINESS

Mr. Stidham reported that the Telecommunications Subcommittee met on January 25 and made revisions to the proposed text amendment for monopoles. He said that he is currently working individually with the members to finalize edits and, once finalized, will forward the draft to the County Attorney for review. Ms. Bouffault added that they hope to be able to present the text amendment at the next briefing meeting. Mr. Stidham noted that he will also be sending the draft to Frank Stearns (Verizon Wireless) to review and provide comments.

Mr. Stidham also reviewed two bills pending before the General Assembly that would impact regulation of telecommunications towers and counties' ability to partner with the private sector on telecommunications infrastructure. Ms. Bouffault noted that there was a similar but more radical bill submitted last year regarding local tower regulations and that this year's bill may be more coherent. She said she is concerned that localities are making unnecessary demands on applicants and the State may feel the need to reduce local authority because telecommunications is of prime importance.

Vice-Chair Caldwell asked Mr. Stidham to provide an update on the solar farm. Mr. Stidham reported that Staff is meeting with Hecate officials on Friday and that they have hired a general contractor and they want to break ground by the end of February. He noted that they are proposing a change to install gravel paths between the panels for maintenance vehicle access which will likely trigger additional review by DEQ. He added that this could have a significant impact on their approved stormwater management plan. Ms. Bouffault asked if they could use grass pavers instead

and Mr. Stidham said that they may be forced to do something like that because gravel is considered to be impervious surface. He also stated that if this proposed change impacts the erosion and sediment control plan, at a minimum he will likely require them to meet with the Plans Review Committee to discuss the changes. He concluded by stating that if they were making no changes, then all they have left to provide to Planning Staff are copies of all State and Federal permits, noise specifications on their equipment, and a check for \$42,000 for the first half of their good neighbor payment. He did not know whether they have submitted construction plans to the Building Department for review yet.

Vice-Chair Caldwell asked about the dumping onsite and Mr. Stidham said that they are required to have it all remediated before certificate of occupancy. He also said that DEQ documented the trash piles but he is unaware if they have taken any action, and Staff has issued a notice of violation to the property owner. Mr. Fincham said that the site gate is now being kept locked. Mr. Buckley asked about whether they were supposed to be fined if they did not begin producing power by December 2016. Mr. Stidham replied that Hecate officials later clarified that these are contractual penalties that they have with their investors and not regulatory fines. Mr. Buckley replied that it seemed like they were pushing the County for approval so they could meet the December deadline and now they are pushing us again to meet their new deadline. Mr. Stidham said that the review will move at the speed of the County's processes.

The meeting was adjourned by consensus at 3:40PM.



Anne Caldwell (Vice Chair)



Brandon Stidham, Planning Director