

Clarke County



PLANNING COMMISSION BRIEFING MEETING MINUTES TUESDAY, APRIL 4, 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, April 4, 2017.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley (arrived late); Anne Caldwell; Mary Daniel; Scott Kreider; Douglas Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson; and Jon Turkel.

Absent: George L. Ohrstrom, II

Staff Present: Brandon Stidham, Planning Director

Others Present: Frank Stearns (Verizon Wireless); Cathy Kuehner (Winchester Star)

CALLED TO ORDER

Vice-Chair Caldwell called the meeting to order at 3:00PM.

AGENDA

The members approved the agenda by consensus as presented.

DISCUSSION, PROPOSED WIRELESS COMMUNICATION FACILITIES REGULATIONS TEXT AMENDMENT (TA-17-02)

Mr. Stidham noted that the proposed wireless communication facilities text amendment has been placed on the April 7 meeting agenda to set public hearing if the Commissioners are comfortable with doing so. He asked the members how they would like to proceed with discussion of the revised draft and they preferred opening the floor for questions and comments.

Ms. Bouffault noted that the revised draft is much better organized and several of the members agreed. Vice-Chair Caldwell said that the addition of 3-C-2-u-9 (Existing monopoles and telecommunication towers) does an excellent job of distinguishing which existing towers may be conforming or nonconforming. Mr. Nelson asked if there are towers in the County that exceed 199 feet. Mr. Stidham replied yes and noted the towers on Springsbury Road, at D.G. Cooley Elementary School, and just across the state line off Raven Rocks Road.

Ms. Bouffault referenced the language in 6-H-12-a-4-a that the Commission worked on regarding prohibiting towers from being located along the topographic crest of the Blue Ridge Mountains and exceeding the maximum height of the tree canopy. She noted that the current draft could be

interpreted as not being limited to the tree canopy on the topographic crest. Mr. Turkel suggested rearranging the sentence to say “shall not exceed the maximum height of the tree canopy on the topographic crest of the Blue Ridge Mountains.” Ms. Bouffault agreed that this would address her concerns. Vice-Chair Caldwell said that she has a concern with the placement of towers on isolated ridge lines west of the Shenandoah River and the potential for adverse visual impacts. She asked whether it would be reasonable to include a prohibition of towers on isolated ridge lines in AOC areas that exceed a certain elevation, and she described a specific isolated ridge line near her home west of the river. Ms. Bouffault said that the Commission would have to study a topographic map of the County to understand how this potential change would be applied. She added that this would be problematic for potential applicants if specific ridges are not identified and Vice-Chair Caldwell agreed that it would have to be further defined. Mr. Turkel asked if this would be limited to the AOC areas and Vice-Chair Caldwell replied that it could include isolated ridges in FOC areas as well. Mr. Turkel noted that it would be problematic to distinguish an isolated ridge on the mountain from one that is part of a ridge line, and added that there are limited isolated ridges in AOC areas that are easier to identify. Mr. Nelson suggested stating that no tower shall be built on any military crest below the topographic crest, and noted that a military crest is the highest point from which you can direct fire on an opposing force. He added that there is only one topographic crest on a ridge line but that there could be multiple military crests depending on your vantage point. Mr. Turkel noted that you could run into the same problems in the AOC areas because the military crests would be spread out over larger areas. Mr. Stidham noted that if you prevent towers from locating on ridges, you could be encouraging taller towers to be located in the same general vicinity to obtain the desired heights. He echoed the concern that a topographic map of the County would have to be studied to determine impact of such a rule. He also noted that there are likely to be several County roads that were constructed along isolated ridges and some may be in areas where we want to encourage tower placement. Regarding the example of an isolated ridge presented by Vice-Chair Caldwell, Ms. Bouffault noted that there are towers in that general vicinity so it would be an unlikely target for an additional tower. Mr. Lee suggested that this issue be looked at in specific cases and Ms. Bouffault added that it would make a difference if the isolated ridge were open or covered with trees. Ms. Bouffault added that Class 3 and 4 WCFs are special uses and that this provides some flexibility to address visual impacts on each application. Mr. Stidham suggested only allowing towers on isolated ridges if they are near a PCTDA. He added that if a tower is proposed in one of these areas, you would want it to serve as many customers as possible to avoid the need for additional towers in the future.

Ms. Bouffault said that there are concerns that we are going to have an excessive number of tower applications but that we may be disappointed because we lack the population density to encourage providers to build new towers. She added that we need to be innovative in our approaches and Vice-Chair Caldwell suggested installing fiber optic cabling on existing above-ground power lines. Ms. Bouffault said that the County may need to start setting aside funds to invest in telecommunications infrastructure. Regarding the issue of towers on isolated ridges, she stated that the special use permit process will give us enough authority to address potential impacts. Vice-Chair Caldwell replied that she would review the County topographic maps in more detail.

On the list of proposed zoning district use assignments, Ms. Bouffault noted that the code references for the AOC, FOC, and CH District special uses are not shown as being deleted. Mr. Stidham replied

that the use will be deleted but the code references will remain in place as the next uses in sequence will use these references.

Vice-Chair Caldwell cited a concern raised by Chair Ohrstrom regarding the 2:1 ratio requirement for stealth silo structures in relation to existing farm structures on a property, and whether this requirement should be included in the text amendment. Mr. Stidham said that Chair Ohrstrom had also noted that the bottom photograph on Page 9 depicts a stealth silo example that appears to be greater than a 3:1 ratio to the adjacent barn. Mr. Stidham suggested deleting the photo but added that the overall question is whether we should have a ratio requirement. He noted that the ratio requirement can help prevent stealth silos that bear no relation to a farm or otherwise stick out in the landscape. Mr. Turkel noted that there is a maximum height requirement for stealth silos so the ratio requirement does not mean a lot and several members agreed. He added that the photo on Page 9 could be retained if the ratio requirement is removed. Mr. Stidham then referenced 6-H-12-a-4-d-1-b on Page 8 which states that a stealth silo cannot be taller than a 2:1 ratio of an existing barn and not to exceed 80 feet. He asked whether the members thought this means you cannot build a stealth silo structure unless it is associated with an existing farm structure. Vice-Chair Caldwell replied that she thought there was language in the text amendment to address this and Mr. Stidham added that former subsection (3) would have required silos to be placed within 50 feet of an existing barn or paddock. Mr. Kruhm said that the language in the introduction to subsection (d) says that stealth silos "should blend harmoniously with the existing farm structures." Mr. Stidham suggested striking subsection (d)(1)(b) and adding the ratio requirement to the language referenced by Mr. Kruhm, and then asked more broadly whether there should be a ratio requirement when there are existing farm structures. Mr. Krieder said that you cannot go higher than 80 feet so there should not be a problem. Mr. Stidham then asked if you have single-story farm structures, does it matter if you have an 80 foot stealth silo. Several members said no including Mr. Lee, who added that you are limiting the overall height to 80 feet. Mr. Stidham said he would strike the ratio requirement from subsection (d)(1)(b) and retain the maximum height language. He added that the photo on Page 9 would be retained but the ratio language would be deleted from the caption.

Mr. Lee noted at the top of Page 8 in subsection (b) that the last two sentences seem to be redundant. Mr. Stidham said that he would strike the last sentence and reference post and fence mesh in the next to last sentence. Mr. Lee also noted on Page 16 in subsection (f) that you need to qualify what type of soil scientist can submit a Soil Survey Report. There was a question regarding whether a resistivity test is being requested with this report and Mr. Lee said that we do not require resistivity tests if we are placing a structure on top of the ground that does not involve discharging waste water into the ground. Mr. Fincham said the current language is asking for an inventory of the soils and Mr. Stidham asked whether we want to know whether there are voids on the proposed tower site. Mr. Lee said that he did not see this type of construction as different from a house, and that tower construction only involves putting in a foundation. Mr. Stidham said that we should just reference the current Karst plan requirement in Article 6. Mr. Nelson asked how 199 foot monopoles are installed. Mr. Stidham said that he expected it would involve a full foundation and Mr. Stearns said that they typically have a 25 foot deep foundation. Vice-Chair Caldwell said that maybe resistivity studies should be required and Mr. Stearns noted that providers would do them in order to meet building code requirements. Mr. Fincham noted that resistivity tests are necessary to determine structural integrity. Mr. Stidham referenced current 6-H-15 which contains the requirement for Karst plans to be

submitted with all site plans and reiterated his suggestion that the text amendment simply reference this section. Members agreed with this approach.

Vice-Chair Caldwell asked about the requirement that flag pole stealth structures shall be lighted if a flag is flown at night and several members noted that this is a requirement of flag etiquette. She also referenced the setback requirements for buildings and support equipment on Page 13 in Subsection (b) and the perimeter buffer requirements on Page 14 in Subsection (d). She noted that it is confusing to understand how the setbacks and buffer requirements are to be applied when reading these two subsections together. Mr. Stidham stated that the buffering requirement is in addition to the setback requirements, but not all WCFs require a perimeter buffer such as stealth silos and stealth flag poles. Vice-Chair Caldwell said that we still need to clarify these sections. Mr. Stidham suggested referencing the Subsection (d) buffering requirements in Subsection (b) referencing setbacks, and Vice-Chair Caldwell said this would address her concern. She also referenced the language in Subsection (d) that requires trees within a buffer area to be retained and asked whether it should be broadened to include existing vegetation. She noted that existing vegetation would help enhance screening. Mr. Stidham said that requiring all vegetation to be preserved would prevent applicants from removing invasive vegetation or plants that would inhibit the growth of existing and planted trees in the buffer area. Vice-Chair Caldwell also asked for an explanation of equipment cabinets and structures referenced in Subsection 6(b)(1) on Page 14. Mr. Stidham said that the 12 foot height limit would apply to unsheltered equipment cabinets but that equipment shelters housing cabinets would have to meet the maximum height requirement for the district. Vice-Chair Caldwell also asked for item (9) regarding distances to uses and structures on adjacent properties in 6-H-12-b-1-a (Site development plan application requirements) to be moved after item (4) regarding setbacks to make a more logical listing.

Ms. Bouffault asked Mr. Stidham to distribute maps depicting the Historic Overlay Zoning Districts in Millwood and White Post as she was concerned that this could be confused with the Rural Historic Districts which make up a substantial area of the County. She suggested including these maps in the text amendment along with the Appalachian Trail map. Mr. Stidham said that he was not planning to include the maps in the Zoning Ordinance but would definitely make it available on the County website and to potential tower applicants. Mr. Turkel said that he did not see any reference to an Appalachian Trail setback and Mr. Stidham noted that it is on Page 13 in Subsection 5(a).

Mr. Lee asked how many lookout towers are in the County and noted that it is referenced under stealth structures. Mr. Stidham said that he did not know. Mr. Lee added that it could be a good design for stealth WCFs in certain situations.

Mr. Stidham asked if the members were comfortable having the text amendment on the April 7 agenda to set public hearing and the members agreed by consensus. Mr. Stidham said that he would have a revised draft available for the meeting.

OTHER BUSINESS

Ms. Bouffault asked about the scheduling of the Comprehensive Plan Committee meeting and Mr. Stidham said that Alison Teetor was attempting to schedule it for May 2 immediately following the briefing meeting. Mr. Stidham said that the Committee would be meeting to begin work on updating

the Water Resources Plans and the Historic Resources Plan. Members then had a brief discussion about Frederick County's proposed plan to withdraw water from the Opequon Creek.

The meeting was adjourned by consensus at 3:55PM.



Anne Caldwell (Vice-Chair)



Brandon Stidham, Planning Director