

# Clarke County Planning Commission

**DRAFT MINUTES – Work Session/Annual Organization Meeting**

**Tuesday, January 3, 2023 – 3:00PM**

**Berryville/Clarke County Government Center – Main Meeting Room**

<b>ATTENDANCE:</b>			
George L. Ohrstrom, II (Chair/Russell)	✓	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	John Staelin (Millwood)	✓
Pearce Hunt (Russell)	✓	Doug Lawrence (BOS alternate)	X

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

**CALL TO ORDER:** By Mr. Stidham at 3:00PM.

## Organizational Meeting

### **Election of Officers: Chair and Vice Chair**

The Commission unanimously voted to elect George L. Ohrstrom, II as Chair to the Planning Commission for 2023.

<b>Motion to elect George L. Ohrstrom, II as Planning Commission Chair for 2023:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

The Commission unanimously voted to elect Randy Buckley as Vice Chair to the Planning Commission for 2023.

<b>Motion to elect Randy Buckley as Planning Commission Vice Chair for 2023:</b>			
Ohrstrom (Chair)	<b>AYE (moved)</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (seconded)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

### **2023 Committees and Member Assignments**

Mr. Stidham noted that if the Commission would like to make any changes to current committee assignments they are welcome to discuss with Chair Ohrstrom.

**Review and Adoption of 2023 Meeting Schedule**

Chair Ohrstrom addressed the inclement weather plan and noted if there is inclement weather during a Business Meeting that it would be rescheduled to another time that same day or that week.

The Commission voted unanimously to adopt the 2023 Planning Commission Meeting Schedule as presented by Staff.

<b>Motion to adopt the 2023 Planning Commission Meeting Schedule as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE (moved)</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>AYE</b>	Lee	<b>AYE</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review and Adoption of 2023 By-Laws**

Mr. Stidham asked the Commission if there were any questions regarding the proposed changes to the electronic meeting policy in response to charges adopted to the Code of Virginia. Chair Ohrstrom asked how Staff plans to track the absences to which Mr. Stidham replied via Excel spreadsheet. Chair Ohrstrom also asked why the keeper of the meeting needs to know where the Commissioner is attending the meeting from if attending electronically. Mr. Stidham replied that the location could be classified.

The Commission voted unanimously to adopt the 2023 Planning Commission By-Laws as presented by Staff.

<b>Motion to adopt the 2023 Planning Commission By-Laws as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE (seconded)</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review and Adoption of 2023 Project Priorities**

Chair Ohrstrom said he thought the decision had previously been made to merge the Mountain Land Plan and the Agricultural Land Plan. Mr. Stidham replied that there was a recommendation to look at the feasibility of combining them but that step one is to consider what a Rural Lands Plan would look like.

Chair Ohrstrom said he thought the maximum lot size exception regulations were also previously determined. Mr. Stidham replied that it is a different item to clarify and that essentially an interpretation was made and now needs to be added to the ordinance.



The Commission voted unanimously to approve the 2023 Priorities List as presented by Staff.

<b>Motion to approve the 2023 Project Priorities as presented by Staff:</b>			
Ohrstrom (Chair)	<b>AYE</b>	King	<b>AYE</b>
Buckley (Vice Chair)	<b>AYE</b>	Kreider	<b>AYE (seconded)</b>
Bass	<b>AYE</b>	Lee	<b>AYE (moved)</b>
Dunning	<b>AYE</b>	Malone	<b>AYE</b>
Glover	<b>AYE</b>	Staelin	<b>AYE</b>
Hunt	<b>AYE</b>		

**Review of January 6 Business Meeting Agenda Items**

Mr. Camp provided a broad overview of the upcoming agenda items to include an amendment to SUP-17-02 and site plan approval for Hecate Energy Gun Barrel Road Solar, LLC. Chair Ohrstrom asked if anyone has shown interest in attending the public hearing to which Mr. Camp replied that he thought one citizen planned to attend. Commissioner Lee asked if the adjoining neighbors were contacted. Mr. Camp responded that the adjoining property owners received a letter in the mail and that four signs are posted at the site with a phone number to call if there are questions. Chair Ohrstrom asked if the signs will remain until construction ceases in the event citizens have complaints. Mr. Camp replied they are public hearing signs and are in the VDOT right-of-way. Chair Ohrstrom said he recalled a neighbor complaining about the trucks running through their property and wanted to ensure that does not happen again. He continued that he was good with them proceeding if Hecate Energy Gun Barrel Road Solar, LLC was good with the conditions. Mr. Camp said Hecate Energy Gun Barrel Road Solar, LLC requested that the Commission not require the financial surety for a year after construction, however, the county attorney and Mr. Camp believe it would put the county at risk. There were no further questions from the Commission.

Mr. Camp reviewed Carter Hall as the second Business Meeting agenda item. Chair Ohrstrom noted a previous renovation to a different property years ago where a decibel test was performed and successful.

Mr. Camp noted that Vice Chair Buckley and Commissioner Dunning previously recused themselves from participating in Planning Commission discussions of Carter Hall.

Mr. Camp said Staff is concerned about the potential noise and light disruption and believes the application does not provide sufficient information to demonstrate how it will be managed. He said that if the Commission requires a photometric plan or additional details, the applicant said they are willing to do so.

Mr. Camp noted the Commission has one-hundred days to act and listed future potential public hearing dates and added that if issues arise, there is additional time to address them. Chair Ohrstrom asked if the applicant can voluntarily defer if there are unanswered questions between the applicant and the Commission in between the public hearings and, if so, what happens to the one-hundred day timeframe. He asked, for example, if the applicant needed additional time in order to obtain and provide information for a Commission inquiry, does the one-hundred day timeframe stop when they defer and start again as the information is received. Mr. Camp said we would request a deferral statement in writing from the applicant which would stop the one-hundred day clock although the Commission is not required to



accept the deferral request. Mr. Stidham said the clock would start again once the information was delivered and would not restart at one-hundred days but continue as is.

Commissioner Staelin asked if a property is allowed to have two separate uses such as a country inn and a nonprofit. Mr. Camp responded that the nonprofit is in the administration building and is a continuation of Project Hope's non-conforming status. He said once Project Hope ceased to operate, they had two years to reestablish the same use as a nonprofit in which the applicant submitted a permit a year ago and was issued a zoning determination letter.

Commissioner Staelin asked how the process would be handled for future proposed items. Mr. Camp replied that it was not part of the submittal and what was proposed in various locations is described in their responses. He said they do not have a design of the pool but they did provide area calculations for the amount of impervious surface and that no other buildings were to be proposed. He said there are similar responses to the plaza area as well. Commissioner Staelin asked if the applicant has to provide a full design to Staff before they can proceed or if they can do what they like as long as it is within the parameters of what is currently proposed. Mr. Camp replied they would need to obtain permits for the pool but said something could be specifically worded in the conditions for the special use permit if deemed appropriate.

Chair Ohrstrom said it seemed as though the applicant wanted to start the country inn use immediately prior to obtaining the certificate of occupancy. Mr. Camp said they have yet to lay out a phasing plan, however, they would need to receive occupancy permits for each building before they are used as a country inn.

Chair Ohrstrom asked for further details on the noise reduction plans within the conservatory and noted there seems to be a noise reduction plan in place for events at the stables with building materials such as sheet rock. Mr. Camp said they requested more substantial details from the applicant to address the question. Commissioner Staelin noted that a google search he conducted said that a wedding band can reach close to 90-120 decibels and is unsure how a vinyl tent will dampen the noise. He also provided the example of his own glass greenhouse that needs the doors and windows opened when it becomes too warm inside and said the same could happen in the glass conservatory.

Commissioner Staelin questioned how they plan to address spills on the floor if there are no nearby facilities. Chair Ohrstrom said he did not think there were enough bathrooms in several of the areas including the conservatory, the dairy, or the smoking room. He said he is not sure if the number of bathrooms changes the septic or not as it is based on gallons per day. Commissioner Lee said the gallons per day number is based on the number of people. Mr. Camp confirmed that the property is served by public water when asked by Chair Ohrstrom.

Commissioner Glover asked how these event plans compare to Project Hope's previous events. Commissioner Staelin said it was never an event center and that people stayed there for three to four days for conferences in the administration building.

When asked if the Sanitary Authority has a problem with supplying water for the pool, Mr. Camp replied they do not have any issues with it.



Chair Ohrstrom asked about fire suppression and noted there are no sprinklers in the main building. Mr. Camp said the Building Official would review those details once the plans are submitted to ensure compliance. Chair Ohrstrom said he wants to ensure everything is up to code prior to signing the official approval. Mr. Camp said he can obtain more information from the Building Official and noted there are some historic structure exemptions.

Commissioner Staelin commented the lighting is an issue and Chair Ohrstrom noted a photometric study may be required. Mr. Camp said the applicant will comply if that is required by the Commission. Commissioner Staelin said it is not only the light that may shine into someone's window but that it is the general aura of light disrupting the neighborhood and dark skies. Chair Ohrstrom said this is not just about the historic property itself and that it is the job of the Commission to set a precedent for future similar projects in the AOC (Agricultural-Open Space-Conservation).

Mr. Stidham addressed Commissioner Staelin's comments about the proposed areas. He said the applicant would need to return with a site plan amendment should they wish to build a gazebo, for example, or another structure associated with the swimming pool area and go back through the process. He said if the applicant is considering any of those situations, they should be on the site plan now to be deliberated.

Chair Ohrstrom asked Mr. Greenhalgh about the stormwater pre and post development. He said he saw crosshatch areas drawn on the border lines and said the drawings show small parcels of land in conservation easement strictly for stormwater.

Mr. Greenhalgh addressed the Commission and said the applicants are happy to look at any and all suggestions for improvement. He said it was mentioned previously and suggested the Commission visit the site. He asked the Commission if he could provide insight in terms of their project intention. Chair Ohrstrom suggested he do so during the Business Meeting.

Mr. Greenhalgh said regarding easement point, he is happy to look at the best holders for the situation and to look into that in more detail. Chair Ohrstrom named a few easement holder possibilities and noted most have set criteria for easements and that Mr. Greenhalgh may want to talk to them first before any assumptions are made. Mr. Greenhalgh agreed and said he has had discussions with the Easement Authority about the possibilities for Carter Hall and noted it is definitely worth considering for future discussions.

Mr. Stidham noted the status of deferred applications to include Horus Virginia LLC, the other solar farm application on Westwood Road, which is potentially due to return in February.

### **Old Business**

None scheduled.

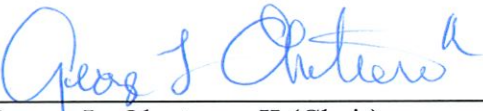
### **New Business**

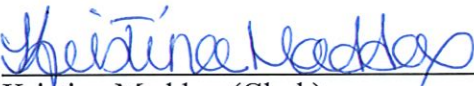
#### **Upcoming Agenda Items – February – July 2023**

Mr. Stidham said he plans to have an updated version of the projected agenda items at each meeting so the Commission has a better idea of what is coming up over the next six months or so.

He said the Zoning and Subdivision Ordinance has been compiled to incorporate all of the text amendments that were adopted to date which include short-term residential rentals and can be found on the county's website.

**ADJOURN:** The January 3<sup>rd</sup> Planning Commission Work Session and Organizational Meeting adjourned by consensus at 3:58PM.

  
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George L. Ohrstrom, II (Chair)

  
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Kristina Maddox (Clerk)