



Clarke County Planning Commission

MINUTES – Business Meeting

Friday, June 2, 2023 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	X	Ronnie “Ron” King (Buckmarsh)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Terri Catlett (Board of Supervisors)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	John Staelin (Millwood)	X
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)

OTHERS PRESENT: Stuart Dunn (Dunn Land Surveying)

CALL TO ORDER: By Vice-Chair Buckley at 9:00AM.

1. Approval of Agenda

The Commission did not have additions to the revised agenda.

The Commission voted 8-0-3 to approve the revised June 2, 2023 Business Meeting agenda as presented by Staff.

Motion to approve the revised June 2, 2023 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (moved)
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

2. Approval of Minutes

A. May 2, 2023 Work Session

The Commission voted 8-0-3 to approve the May 2, 2023 Work Session meeting minutes as amended with edits that were discussed at the May 30 Work Session.

Motion to approve the May 2, 2023 Work Session meeting minutes as amended:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (seconded)
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

B. May 5, 2023 Business Meeting

The Commission voted 7-0-4 to approve the May 5, 2023 Business Meeting minutes as presented by Staff.

Motion to approve the May 5, 2023 Business Meeting minutes as presented by Staff:			
Ohrstrom (Chair)	ABSENT	King	AYE (seconded)
Buckley (Vice-Chair)	AYE	Kreider	AYE
Catlett	AYE	Lee	ABSTAINED
Dunning	AYE	Malone	AYE (moved)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

PUBLIC HEARING

3. TA-23-01, Campground Regulations

Mr. Stidham reviewed the Staff Report for this proposed campground regulations text amendment. He said the proposed text amendment is to add a new temporary use, “camping,” to Zoning Ordinance Section 5.4 and to delete the current uses of campground and summer camp from Section 5.2D. He continued that the purpose of the amendment is to prohibit new permanent campgrounds to establish new regulations for the duration of camping activities, the long-term lease of lot camping, and temporary event camping. He said it would include those operating as a business, a non-profit, or as a summer camp and that it would also prohibit temporary and permanent on-site connections for recreation visits.

With no questions or comments from the Commission, Vice-Chair Buckley read the public hearing rules and opened the public hearing at 9:12AM.

Lowell Smith (2548 Crums Church Rd) suggested that the proposed amendment changes consider the Appalachian National Scenic Trail as it is an important resource for the county and noted that it is owned and operated by the National Park Service as a National Park. He added that the trail is not only a path in which one walks, it also surrounds individual property owners ranging from 100 feet to 1,000 feet on each side of the trail. He added that the Appalachian Trail (AT) management is a complex situation in that the trail located on the county side is entirely on National Park Service lands and involves one shelter for camping purposes on Federal land. He said the most important thing to keep in mind is that it is the management system is a public private partnership between the park service, the state organizations, local government, and nonprofit organizations that are all key in the maintenance and protection of the trail’s long-term life. He continued that the AT is special in that it is eligible to be listed on the National Register of Historic Places and also as a national landmark.

Commissioner Lee said he understood that the AT wants to have additional camping available and noted that the county would have no control over the camping regulations as it is on federal land. Mr. Stidham confirmed this point and that the county has no control over Federal or State owned land. He added that federal land allows dispersed camping in which hikers are able to camp wherever they like as long as they are doing so on Federal land. Commissioner Lee then asked if adjacent properties to the AT corridor and not owned by the National Park Service come under the county’s purview of the camping regulations. Mr. Stidham replied said that during the review process, they did look at the trail corridor to see if there could be a reasonable distance from the centerline of the trail which encompassed several private properties. He

continued that any sort of distance created to form a corridor to potentially allow camping is going to be arbitrary as there is no metric to establish it. He said this was brought up mainly due to Bears Den Campground which was beyond 500 feet from the trail. Commissioner Lee asked if there was any situation where the landowner would have to give permission to allow camping on their property. Mr. Stidham replied private property owners could allow hikers to camp on their property as long as they did not charge a fee, however, they would be required to adhere to the duration timeframe and would be considered private camping as long as the property owner is not charging a camping fee. Mr. Stidham confirmed that the regulations would affect any minor properties on the trail not owned by federal or state agencies.

With no further questions from the Commission, Mr. Stidham said Staff’s recommendation is to make a motion to recommend approval to the Board of Supervisors for adoption if there are no outstanding concerns. He continued that the Commission could also take additional time for review by deferring discussion to July and continuing the public hearing to September. Commissioner Lee commented his preference is to further review and defer.

Vice-Chair Buckley asked if there were additional comments from the public. With none, Vice-Chair Buckley closed the public hearing.

The Commission voted 8-0-3 to defer the **TA-23-01, Campground Regulations** discussion to July and continue the public hearing to the September Business Meeting.

Motion to defer the discussion of <u>TA-23-01, Campground Regulations</u> to July and the Public Hearing to the September Business Meeting:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (seconded)
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

MINOR SUBDIVISION APPLICATIONS

4. MS-23-06/MLSE-23-02, Belinda Burwell & James Klenkar.

Mr. Camp provided an overview of the Staff Report for the minor subdivision and maximum lot size exception. He said Staff recommends approval of this application as all agencies have reviewed the application and do not see any concerns. Additionally, he said the property is under conservation easement through the Virginia Outdoors Foundation who also provided approval of the application.

Mr. Camp confirmed that drainfield site approval is not required by the Health Department due to the size of the two lots when asked by Commissioner Lee.

The Commission had no further questions or comments.

The Commission voted 8-0-3 to approve MS-23-06/MLSE-23-02, Belinda Burwell & James Klenkar as presented by Staff.

Motion to approve <u>MS-23-06/MLSE-23-02</u>, Belinda Burwell & James Klenkar as presented by Staff:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (moved)
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

SCHEDULE PUBLIC HEARINGS

5A. CZ-23-01, Rappahannock Electric Cooperative (applicant)/Virginia Port Authority (owner)

Mr. Stidham provided a summary of the conditional zoning proposal provided by Rappahannock Electric Cooperative to rezone 65-acres from Agricultural-Open Space-Conservation (AOC) to Highway Commercial (CH) in the Historic Access Corridor Overlay District subject to conditions proffered by the applicant. Mr. Stidham said the application was filed on May 5th and the Commission has 100 days from today to review and take action. He added that formal action must be taken no later than Friday, September 8th unless the applicant requests deferrals. Mr. Stidham noted the applicant submitted a complete application that contains sufficient information toward scheduling a public hearing on July 7th which is Staff’s recommendation.

Commissioner Catlett noted the proposal does not utilize all the acreage and wanted clarification on the future purpose of the residual acreage. Mr. Stidham said the applicant’s conceptual development plan shows what they are proffering to construct as the only use of the property and that the area would remain underdeveloped. He continued that the applicant would need to go through the proffer amendment process should they wish to change the residual acreage’s use in the future. Commissioner Catlett asked if it is REC’s decision whether or not to have a closed campus and Mr. Stidham said yes.

Commissioner Lee commented he is doubtful an onsite sewage disposal system is a viable option if sewer from Frederick County is unavailable. He said it is a very limited area and if they have the volume they anticipate he believes it will result in a package treatment plant which goes against everything Clarke County stands for. Mr. Stidham commented that if the Double Tollgate Area Plan for Sub Area B does recommend development of Highway Commercial uses on public water and public sewer and not on well and septic.

There were no further questions or comments from the Commission.

The Commission voted 8-0-3 to set public hearing for **CZ-23-01, Rappahannock Electric Cooperative (applicant)/Virginia Port Authority (owner)** for the July 7th Business Meeting.

Motion to set public hearing for <u>CZ-23-01</u>, Rappahannock Electric Cooperative (applicant)/Virginia Port Authority (owner) for the July 7th Business Meeting:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (moved)
Catlett	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

5B. TA-23-02, Maximum Lot Size Exception Regulations.

Mr. Stidham reviewed the Staff report for this text amendment. He said this text amendment would amend Section 6.2.6C of the review criteria and regulations for maximum lot size exceptions in the Zoning Ordinance. He added that the amendment clarifies that a maximum lot size exception could be to the granted for a lot containing a dwelling existing on the lot prior to October 17, 1980 that was demolished. He added that a maximum lot size exception can be applied to any lot in a proposed subdivision. He said that Staff recommends initiating consideration of the text amendment and schedule public hearing for the July Business Meeting.

There were no questions or comments from the Commission.

The Commission voted 8-0-3 to initiate consideration and set public hearing for **TA-23-02, Maximum Lot Size Exception Regulations** for the July 7th Business Meeting.

Motion to initiate consideration and set public hearing of <u>TA-23-02</u>, Maximum Lot Size Exception Regulations, for the July 7th Business Meeting:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (seconded)
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

5C. TA-23-03, Farm Winery, Farm Brewery, and Farm Distillery Regulations.

Mr. Stidham reviewed the Staff report for this text amendment. He said this text amendment is to amend the current uses for the farm winery, farm brewery, and farm distillery for Section 5.2A and that it would consolidate the three uses under a new use defined as an agricultural operation. He added that a new maximum lot size of five acres is proposed and new zoning permit requirements and use regulations for operations that are open to the public will be added. He said the proposed administrative requirements are intended to mitigate any potential significant impacts on the health, safety, and welfare of the public. Mr. Stidham said Staff recommends initiating consideration of the text amendment and schedule public hearing for the July 7th Business Meeting.

There were no questions or comments from the Commission.

The Commission voted 8-0-3 to initiate consideration and set public hearing of **TA-23-03, Farm Winery, Farm Brewery, and Farm Distillery Regulations** for the July 7th Business Meeting.

Motion to initiate consideration and to set public hearing of <u>TA-23-03, Farm Winery, Farm Brewery, and Farm Distillery Regulations</u> for the July 7th Business Meeting:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (moved)
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

BOARD AND COMMITTEE REPORTS

5. Board and Committee Reports

Board of Supervisors (Terri Catlett)

Commissioner Catlett said the Board of Supervisors listened to the Emergency Medical Services (EMS) Director speak on the emergency plan should a disaster occur. She said the plan is rather long and encompasses a variety of potential situations. She said the document will be reviewed continuously.

Commissioner Catlett said the Board heard from the Sanitation Authority regarding updates on Chapter 180 Water and Sewer Ordinance and that the Board set public hearing for Carter Hall.

Board of Septic & Well Appeals (George L. Ohrstrom, II)

Mr. Stidham said that a variance application was submitted recently as a resident wishes to build a screened-in porch but they do not have the required separation distance from the well. He said that meeting is to be scheduled at the end of the month or first part of July.

Mr. Stidham noted the resignation of long-term Board of Septic and Well Appeals citizen representative, Joe Blatz, toward the end of last year. He said the county appointed Jennifer Irwin as the new representative.

Board of Zoning Appeals - BZA (Jeremy Camp)

Nothing to report.

Historic Preservation Commission – HPC (Bob Glover)

Mr. Camp noted the HPC held their annual awards banquet and provided four awards in May. He said during the business meeting portion, the HPC discussed moving forward with their new project to review the historic guidelines starting with an assessment of the inventory within the districts to include field work and research by Staff and the Historic Consultant.

Other than the HPC approving a certificate of appropriateness for minor work on a door modification in Millwood, Mr. Camp said the HPC reviewed a draft pamphlet to mail to residents located within the Historic District. Commissioner Catlett suggested the Commission review the pamphlet as well and noted the purpose of the document is to educate the property owners.

Conservation Easement Authority - CEA (George L. Ohrstrom, II)

Vice-Chair Buckley said the CEA finished a year-long discussion on impervious surface and submitted a recommendation to the Board of Supervisors. He said they have now started to review nutrient trading banks.

Broadband Implementation Committee (Brandon Stidham)

Nothing to report.

OTHER BUSINESS

6. 2018 Historic Resources Plan, Five-Year Review Resolution

Commissioner Lee read the resolution for the continuation of the 2018 Historic Resources Plan for Five Years aloud.

WHEREAS, the 2018 Historic Resources Plan was adopted by the Board of Supervisors on June 19, 2018, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Historic Resources Plan is an implementing component plan of the 2022 Clarke County Comprehensive Plan,

WHEREAS, June 19, 2023 marks the five-year anniversary of the Plan’s adoption, and

AND WHEREAS, the Clarke County Historic Preservation Commission with the assistance of Department of Planning Staff recently reviewed the current Plan and determined that a comprehensive review and update of the Plan is not necessary as its guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission has determined that it is not currently necessary to conduct a review of the 2018 Historic Resources Plan as the guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Planning Commission shall conduct a future review and determine whether it is advisable to amend the 2018 Historic Resources Plan no later than June 10, 2028.

Adopted this 2nd day of June, 2023.

The Commission voted 8-0-3 to adopt the 2018 Historic Resources Plan, Five-Year Review Resolution.

Motion to adopt the Five-Year Review Resolution:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Catlett	AYE	Lee	AYE (moved)
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

7. 2018 Water Resources Plan, Five-Year Resolution

Vice-Chair Buckley read the 2018 Water Resources Plan, Five-Year Resolution aloud.

WHEREAS, the 2018 Water Resources Plan was adopted by the Board of Supervisors on September 18, 2018, and

WHEREAS, Code of Virginia §15.2-2230 requires that at least once every five years, a locality’s planning commission shall review the comprehensive plan “to determine whether it is advisable to amend the plan,” and

WHEREAS, the Water Resources Plan is an implementing component plan of the 2022 Clarke County Comprehensive Plan,

WHEREAS, September 18, 2023 marks the five-year anniversary of the Plan’s adoption, and

AND WHEREAS, Department of Planning Staff recently reviewed the current Plan and determined that a comprehensive review and update of the Plan is not necessary as its guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission has determined that it is not currently necessary to conduct a review of the 2018 Water Resources Plan as the guidance and recommendations remain current, applicable, and consistent with the 2022 Comprehensive Plan.

BE IT FURTHER RESOLVED that the Planning Commission shall conduct a future review and determine whether it is advisable to amend the 2018 Water Resources Plan no later than June 10, 2028.

Adopted this 2 nd day of June, 2023.

The Commission voted 8-0-3 to adopt the 2018 Water Resources Plan, Five-Year Review Resolution.

Motion to adopt the Five-Year Review Resolution:			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE (moved)	Kreider	AYE
Catlett	AYE	Lee	AYE (seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		

8. Projected Upcoming Agenda Items, June-November 2023

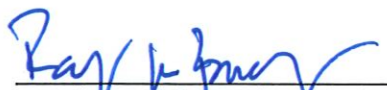
Mr. Stidham said the Bellringer Solar Farm application is not yet ready for review, however, the applicant is hopeful to address the concerns raised by DEQ in time for the July PC meeting but, if not, they will be added to the September agenda.

Mr. Stidham noted the July work session will be held on a Wednesday due to the July 4th holiday. He said the campground regulations text amendment will be added to the agenda for discussion, potentially the Bullard campground application, three public hearings, and at least one more minor subdivision application. He said the Policy Committee will schedule a meeting to resume work on the Transportation Plan, the Comprehensive Plan Committee looked at the Rural Lands Plan and also an update on the Waterloo Area Plan, and the Berryville Area Development Authority (BADA) will also meet in July.

ADJOURN:

The Commission voted 8-0-3 to adjourn the June 2, 2023 Planning Commission Business Meeting at 9:59AM.

Motion to adjourn the Planning Commission June 2, 2023 Business Meeting at 9:59AM.			
Ohrstrom (Chair)	ABSENT	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE (moved)
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	ABSENT	Staelin	ABSENT
Hunt	AYE		


 Randy Buckley (Vice-Chair)


 Kristina Maddox (Clerk)