



# Clarke County Planning Commission

MINUTES – Work Session

Tuesday, January 31, 2023 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓	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)	✓	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)

**OTHERS PRESENT:** David Frank (Pennoni), Langdon Greenhalgh (Carter Hall Estate, LLC)

**CALL TO ORDER:** By Mr. Stidham at 3:01PM.

Chair Ohrstrom welcomed Terri Catlett to the Planning Commission. Commissioner Catlett noted that she will be replacing Matt Bass as the Board of Supervisors liaison as he has started a new job with different time commitments.

Chair Ohrstrom noted that due to conflicts of interest, Commissioners Buckley and Dunning previously recused themselves from participating in discussion of the Carter Hall Estate, LLC special use permit and site development plan application. He also stated that Commissioner Lee is recusing himself from participating in discussion of the Blue Ridge Bishop’s Gate LLC minor subdivision application. Commissioner Lee then read the following statement:

*I disqualify myself from participating in the matter of **MS-23-01, Blue Ridge Bishop’s Gate LLC** before the Planning Commission as I have a personal interest in said matter by reason of work which I performed for the applicant pertaining to this application, and I may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action taken by the Planning Commission on the application.*

**Approval of Agenda**

The Commission voted unanimously to approve the agenda as presented by Staff.

Motion to approve the January 31, 2023 Work Session agenda as presented by Staff:			
Ohrstrom (Chair)	AYE	King	AYE
Buckley (Vice-Chair)	AYE	Kreider	AYE
Catlett	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (seconded)
Glover	AYE	Staelin	AYE
Hunt	AYE (moved)		

### **Review of February 3 Business Meeting Agenda Items**

Mr. Stidham noted that there are some cut-and-paste errors in the January 3 Work Session/Organizational Meeting draft minutes on pages 5 and 6. He said Staff has incorporated these changes into the draft minutes for the Commission's consideration. He also noted a typo in the January 6 Business Meeting draft minutes that was brought to Staff's attention. On page 13 of 124, third paragraph, the word "side" should be deleted as extraneous.

Mr. Stidham wanted to elaborate on a point raised in the January 3 discussion of the Commission's By-Laws. He said that Chair Ohrstrom asked why a member participating electronically has to disclose their location and Mr. Stidham noted that he did not answer the question at that time. He noted that the Code of Virginia does not require you to state a specific address and that if you are on vacation in Florida, you could say that you are on vacation in Florida without identifying the precise location.

### SUP-22-02/SP-22-03, Carter Hall Estate, LLC

Mr. Camp reviewed the Staff report for this application. Chair Ohrstrom asked if there will be a sign-in sheet for public hearing speakers at the Business Meeting and Mr. Stidham replied yes. He noted that once everyone who signed up has spoken, the Chair can allow additional attendees to speak who have not already spoken.

Mr. Camp said that the review of the application has not changed much since the Commission's January review. He noted that the applicant did submit additional materials well after the deadline for consideration of new information but that Staff has included these materials in the packet. He said the materials include an audio study and responses to commissioners' questions from the previous meeting. He then reviewed the outstanding issues outlined in the Staff report. He concluded his presentation by noting that the packet also included letters received from citizens and a comment letter from the building official addressing questions posed by commissioners. He said that Staff is recommending deferral of the application due to the number of unresolved issues. He noted that Friday's meeting can be used to receive public comment and to discuss with the applicant the Commission's concerns. He also said that unless a deferral is requested by the applicant, the Commission is required to act by April 7.

Mr. Camp noted that the applicant is present and also intends to make a presentation at the Business Meeting. Chair Ohrstrom asked if the applicant gets 10 minutes to present. Mr. Stidham replied that the applicant's presentation is not part of the public hearing and typically takes place after Staff's presentation and before the public hearing is opened. He also suggested holding questions for Staff or the applicant until after the public hearing. Mr. Camp noted that public speakers will be allowed 3 minutes to speak or 10 minutes if they are representing a group. Mr. Stidham suggested that if someone is representing a group, Chair Ohrstrom should ask members of that group to raise their hands to indicate that the speaker is speaking on their behalf. Chair Ohrstrom asked if he could require a speaker to name the group that they are representing and Mr. Stidham replied yes.

Chair Ohrstrom said that Staff's list of outstanding issues is well-stated and he asked commissioners if they had any comments. Commissioner Lee said that he met with Virginia Department of Health (VDH) staff to review each proposed onsite sewage disposal system. He said there was a question as to whether one of the systems was considered to be a mass drainfield but VDH staff indicated that it was not because of the high level of treatment as a TL-3 system. He said that VDH staff has approved

all onsite sewage disposal systems for the proposed use. Commissioner Staelin asked if the definition of “mass drainfield” is set by the Commonwealth and not the county, and Mr. Lee replied yes. Mr. Camp said that VDH classifies the system as a “large alternative onsite sewage disposal system” and not a mass drainfield. He added that this type of system requires more maintenance. Commissioner Glover asked about the required maintenance. Commissioner Lee replied that when the system is initially installed, it has to be tested every six months and then annually. He also said they have to have a maintenance contract in place and noted that the county can require additional testing to be done, especially if the Commission feels they are in noncompliance. Chair Ohrstrom asked if an alarm system is required to notify of a failure and Commissioner Lee replied yes. Commissioner Lee then described how the system operates.

Mr. Stidham said that if the public hearing runs as long as anticipated, it might be a good idea to have a five-minute recess before moving on to other agenda items.

MS-23-01, Blue Ridge Bishop’s Gate LLC

Mr. Camp reviewed the Staff report for this proposed minor subdivision application.

Commissioner Staelin asked if the existing access easement is being removed or if only one of the lots will use the new easement. Mr. Camp replied that the existing access easement will remain for the use of Lots 1 and 3. He noted that Lot 2 will have its own entrance to the public road and would not use the existing easement. He added that construction plans would be required for an access easement serving 3 or more lots. Chair Ohrstrom asked for confirmation that Lot 2 would not have cars driving over their well. Mr. Camp said that the easement is close to the well but would be outside the easement. Chair Ohrstrom asked whether the applicant is required to apply for a certification letter for the proposed drainfield as a condition of plat approval as this is noted in the VDH comments. Mr. Camp replied that this is a typical comment provided by VDH and that this is not an issue so long as VDH staff signs the final plat. He added that the applicant must at a minimum have a drainfield design that has been reviewed and approved by VDH. Commissioner King asked if there is a well site for Lot 1 and Mr. Camp pointed it out on the plat including the 100-foot required setback.

MS-23-03/MLSE-23-01, Virginia D. Unger (owner)/Kenneth R. Unger, III (applicant)

Mr. Camp reviewed the Staff report for this proposed minor subdivision and maximum lot size exception application. Commissioners had no questions or comments.

Regarding the Blue Ridge Bishop’s Gate application, Mr. Camp said that he forgot to mention that the Virginia Department of Transportation recommended that the applicant pave the existing entrance. He explained that this is a recommendation only and cannot be required but the Commission could ask the applicant if they would be willing to do this. Chair Ohrstrom asked if VDOT will require paving when development occurs and Mr. Camp indicated that this is why they are asking us to get the applicant to agree to do it. Mr. Camp also noted that this is not a requirement in our ordinance. Commissioner Glover asked why VDOT is asking it to be paved. Chair Ohrstrom said he thought it was because the driveway would serve three lots but Commissioner Lee noted that the driveway is only going to serve two lots. Mr. Camp said that VDOT did not specify why but he thought it was for maintenance purposes. Chair Ohrstrom asked if it would affect the application if the applicant did not agree to pave the entrance and Mr. Camp replied no. Commissioner Lee said that the applicant has already mentioned that he would be willing to do this improvement. Commissioner Staelin said that it might be helpful to find out why VDOT made this recommendation. Commissioner Lee said that there are

two stone pillars currently at the driveway which limits turning clearance and VDOT requested that those pillars be removed.

Mr. Stidham reported that the Horus Virginia solar power plant application has requested another one month deferral to address the Virginia Department of Environmental Quality's review of their stormwater management plan.

**Old Business**

None scheduled.

**New Business**

**Inclement Weather and Public Hearings**

Mr. Stidham said that the Commission has never had a meeting with a public hearing that had to be postponed or cancelled since he has been here. He said that he discussed how advertising requirements would be impacted by a postponement or cancellation with County Attorney Bob Mitchell. He added that Mr. Mitchell said that if the meeting is cancelled, the public hearing would have to be re-advertised if a specific inclement weather date was not included in the advertisement. Chair Ohrstrom asked if this would stop the Commission's review clock and Mr. Stidham replied no, that it would count against the Commission's 100-day review period. Mr. Stidham suggested including an alternate meeting date of the following Friday in public hearing advertisements during winter months. He also noted that if the start time of a public hearing was postponed to a time later in the same day, there is no requirement that the public hearing be re-advertised.

**ADJOURN:** The January 31<sup>st</sup> Planning Commission Work Session adjourned by consensus at 3:37PM.



George L. Ohrstrom, II (Chair)



Brandon Stidham (Clerk)