

Clarke County Planning Commission

MINUTES – Work Session

Tuesday, October 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)	✓	Frank Lee (Berryville)	✓
Terri Catlett (Board of Supervisors)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	✓	John Staelin (Millwood)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate)	X
Pearce Hunt (Russell)	✓		

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

OTHERS PRESENT: None.

CALL TO ORDER: By Chair Ohrstrom at 3:00PM.

1. Approval of Agenda

The Commission had no additions to the agenda as presented by Staff.

The Commission unanimously voted to approve the October 31, 2023 Work Session agenda as presented by Staff.

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

2. Review of November 3 Business Meeting Agenda Items

A. Agenda Review

Mr. Stidham reviewed the staff report and draft text amendment for solar plant use and regulations. He noted the action item for the Business Meeting is to set public hearing for the text amendment if the Commission is content with the draft changes. He added that the public hearing would be scheduled for Friday, December 1st.

Mr. Stidham said the text amendment would not prohibit the Commission from working on the concepts of community scale solar in the context of the Rural Lands Plan. He said the plan development process would be the best venue to come up with policies on how to address community scale solar in the future.

He commented that after attending a Fauquier County meeting, he and Chair Ohrstrom learned that Dominion Power is the only utility company currently required by state law to do a form of community scale solar. Commissioner Staelin asked if Dominion Power is required or if they are the only company allowed. Mr. Stidham replied they are required but there are also limits as to how much can be resold from individual, residential properties. Commissioner Staelin asked if other utility companies are prohibited from doing this. Mr. Stidham replied that other companies are not compelled to do it as they are creating competitors to their own power generation abilities. He said he plans to touch base with Rappahannock Electric's solar representative to understand their future solar goals.

Chair Ohrstrom commented that Dominion Power tried not to be part of this by instituting fees, however, the General Assembly and the State Corporation Commission blocked them from doing this. He gave the example of Dominion Power charging high fees for a school to install community solar on their roof.

Mr. Stidham said the next action item on the agenda is the 2024-2029 Capital Improvement Plan which will be discussed later in the Work Session.

B. Status of Deferred Applications

Mr. Camp provided an overview of the current deferred applications. He said the Markee minor subdivision received some comments from VDOT that they are addressing and may redesign the subdivision. He continued that the Foster minor subdivision applicant has been out of town and not able to submit resistivity testing and therefore may be a few months from being ready for review. Lastly, he said the Virginia Department of Health is requiring the Cather minor subdivision applicant to install a new system on the residue lot which had a unapproved cesspool system. He said they found a new site and are currently under resistivity review.

Mr. Camp said Berryville Berries has to submit a new Virginia Department of Health campground application as the previous one was denied due to the privy system which needs to be updated for a permanent campground facility. He added that it is his understanding that they received preliminary approval for the new privy system and that they are still in the Department of Health permit process.

With regards to Horus Virginia, Mr. Camp said it has been deferred until December 1st but that the applicants have yet to submit any details.

Mr. Stidham said it seems that the minor subdivisions are often delayed by resistivity testing for various reasons and as such he proposes to draft a text amendment in 2024 for applicants to have this process completed prior to submitting a minor subdivision application.

Mr. Camp said he is unclear on the timeline of the Regan Partnership minor subdivision as they are working on a conservation easement. He said they want to wait until further along in the process before they come forward and that they have requested private road design waivers for the Commission to issue. Mr. Camp said there needs to be an underlying reason for the waiver request as we do not want to set a precedent for future waiver requests. He said the applicant hopes to submit their minor subdivision and conservation easement concurrently.

3. Old Business – None scheduled

4. New Business

A. Discussion, 2024-2029 Capital Improvement Plan

Mr. Boies noted that state code requires the county to have a Capital Improvement Plan (CIP) and also requires the Commission to review the plan before it goes to the Board of Supervisors. He provided a review of the 2024-2029 Capital Improvement Plan. Regarding the extension of water and sewer from Frederick County, Chair Ohrstrom asked if anything was to be run through the Lake Frederick Plant. Mr. Boies responded that the Lake Frederick Plant will be shut down when everything is completed as they have an environmental issue regulation they are unable to meet. He added that all sewer would be directed to the Parkins Mill Plant.

Mr. Stidham said the Commission's action item is to move the CIP forward to the Board of Supervisors if they are comfortable with the proposed language.

B. Discussion, Text Amendment Request – Minor Commercial Public Assembly Use in the Neighborhood Commercial (CN) District

Mr. Camp explained a phone complaint he received regarding dog competitions on a particular parcel conducted by Ms. Thompson in White Post. He said he learned that these events host small groups of people at a time but are continuously conducted throughout the day at various intervals. He said he informed the property owner that it is not permitted in the code and that the volume at which the shows are operating are qualified as a minor commercial public assembly. He said the events would require a special use permit in the Agricultural-Open Space-Conservation (AOC) District and are not allowed in the Rural Residential (RR) District. He said that one can have five events before it is considered a minor commercial public assembly in the RR District and, depending on the volume of people, possibly a special activity permit from the County Administration office. He continued that the property owner has restructured the events so they are spread over five parcels as a temporary solution in order to finish out the year. He added that the donations are used to benefit the community with lights, street lights, etc.

Mr. Camp said Ms. Thompson has taken an interest in this and made a request for the county to consider a text amendment to allow for minor commercial public assembly in the Neighborhood Commercial (CN) District. He said the parcel is not zoned as Neighborhood Commercial currently, however, Ms. Thompson hopes to rezone the property and then apply for a special use permit. He continued that Ms. Thompson has submitted a code amendment request and that the Commission or Board of Supervisors can make it a project by resolution.

Chair Ohrstrom asked if the property owners have AOC property that could be used instead with a special use permit. He noted that it would set a precedent for additional minor commercial assembly events in CN zoned areas. Mr. Stidham replied that the owners have other AOC zoned properties but that they wish to have the shows located on this particular property.

Vice-Chair Buckley said he may have a conflict as he is on the Board of the White Post Village Association who serves as the beneficiary to the donations. He said he wanted to point out that a parcel needs to be at least six acres to have a minor public assembly in neighborhood commercial, which limits the lots in Millwood, Pine Grove, and White Post. Chair Ohrstrom noted that this may not happen until parcels are merged. Mr. Stidham commented that these events were originally brought to attention by a neighbor complaint.

Commissioner Glover asked how many people would be allowed within the minor public assembly to which Chair Ohrstrom replied up to 149 people.

Commissioner Catlett asked how many events they propose to have. Mr. Camp responded they have not specified a number but they have had at least 36 events. Chair Ohrstrom asked if the Commission could specify how many events they can have annually. Mr. Stidham said yes and added that the neighbors will probably say that each event is a distraction. Commissioner Staelin asked if the 149 person allotment is at once or throughout the entirety of the day. Mr. Stidham replied that it is limited to the number of people on the property at one time.

Chair Ohrstrom asked Mr. Stidham if it is his recommendation for Ms. Thompson to pursue other options. Mr. Stidham replied yes.

Vice Chair Buckley added that the parcel Ms. Thompson is suggesting to rezone to Neighborhood Commercial has a vehicle storage building which is a part of their current business. He said it makes sense for it to be rezoned. Commissioner Glover said it would be good to see the property on a map to locate the Rural Residential boundaries and surrounding zoning areas.

Commissioner Catlett asked if the property could be rezoned to Neighborhood Commercial but not allow the minor commercial public assembly so that the building can be used for other events but not weddings, parties, and similar events. Vice-Chair Buckley said that is what they are proposing to do and that it is a long process to include the text amendment, the rezoning of the property from Rural Residential to Commercial Neighborhood, and the special use permit application with a site plan.


Mr. Stidham said the Commission does not have to make any decisions at this time. He continued that Ms. Thompson can apply for a text amendment and pay the \$6,000 fee and choose to bring it to the Board or the Planning Commission to initiate consideration of the text. He said that if the Commission decides not to initiate the text amendment, she would get her money back and added that all of this could be avoided if the Commission is not interested in the text amendment.

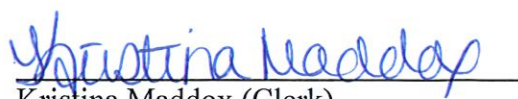
The Commission discussed the various options and suggested that Ms. Thompson do five events per year on the RR zoned parcel and the remaining events can be located on the AOC zoned parcel across the street with a special use permit for minor public assembly.

Commissioner Lee commented that Mr. Thompson's restoration business has done many good things for the community and that he would hate for that to cease but that that property may not be the best place to hold events and that the AOC side is a better option.

ADJOURN

The Work Session adjourned by consensus at 3:42PM.


George L. Ohrstrom, II (Chair)


Kristina Maddox (Clerk)