



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, March 1, 2019 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

- 1. Approval of Agenda**
- 2. Approval of Minutes**
 - a. January 2, 2019 Work Session**
 - b. January 4, 2019 Business Meeting**

Board/Committee Reports

- 3. Board of Supervisors (Mary Daniel)**
- 4. Board of Septic & Well Appeals (George Ohrstrom, II)**
- 5. Board of Zoning Appeals (Anne Caldwell)**
- 6. Historic Preservation Commission (Doug Kruhm)**
- 7. Conservation Easement Authority (George Ohrstrom, II)**
- 8. Broadband Implementation Committee (Mary Daniel)**

Other Business

- 9. Appearance, Piedmont Environmental Council (PEC) Discussion of Loudoun County Comprehensive Plan process and land conservation efforts**

Adjourn

UPCOMING MEETINGS

Ordinances Committee Meeting Friday, March 1, 2019 (9:30 or immediately following Commission Business Meeting)
Commission April Work Session Tuesday, April 2, 2019 (3:00PM)
Commission April Business Meeting Friday, April 5, 2019 (9:00AM)

Clarke County



**PLANNING COMMISSION
WORK SESSION MINUTES -- DRAFT
WEDNESDAY, JANUARY 2, 2019**

A work session of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Wednesday, January 2, 2019.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley; Anne Caldwell; Mary Daniel; Bob Glover; Scott Kreider; Frank Lee; Gwendolyn Malone; Cliff Nelson; and George L. Ohrstrom, II.

Absent: Douglas Kruhm

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:02PM.

ORGANIZATIONAL MEETING

Election of Officers: Chair and Vice-Chair

Mr. Stidham opened the floor for nominations for Chair. Ms. Caldwell nominated George L. Ohrstrom, II to continue serving as Chair, seconded by Mr. Lee. No other nominations were offered. Ms. Daniel moved to close the floor to nominations and the Commission voted to close the floor to nominations.

Absent further nominees, George L. Ohrstrom, II was elected Chair for 2019. Mr. Stidham turned the meeting over to Chair-Elect Ohrstrom.

Chair Ohrstrom asked for nominations for Vice Chair. Ms. Caldwell moved to nominate Randy Buckley to serve as Vice Chair, seconded by Mr. Lee. No other nominations were offered. Ms. Malone moved to close the floor to nominations, seconded by Mr. Kreider, and the Commission voted to close the floor to nominations.

Absent further nominees, Randy Buckley was elected Vice-Chair for 2019.

2019 Committees and Member Assignments

Mr. Stidham asked the members if they were comfortable continuing with the current committee assignments and members agreed by consensus to do so.

2019 Meeting Schedule

Mr. Stidham reviewed the draft meeting schedule and noted deviations in July and January 2020 to account for holiday dates. The Commission voted to approve the meeting schedule for 2019 as presented.

Yes: Bouffault (moved), Buckley, Caldwell, Daniel, Glover, Kreider, Lee (seconded), Malone, Nelson, and Ohrstrom

No: No one

Absent: Kruhm

2019 By-Laws

Mr. Stidham stated that the Commission re-adopts the By-Laws at the Organizational Meeting and that no changes are recommended by Staff for 2019. The Commission voted to approve the 2019 By-Laws as presented.

Yes: Bouffault, Buckley, Caldwell, Daniel, Glover, Kreider, Lee (moved), Malone, Nelson (seconded), and Ohrstrom

No: No one

Absent: Kruhm

2019 Project Priorities

Mr. Stidham reviewed the draft list of Project Priorities for 2019. He noted that the Ordinance Update Project will be the top priority for 2019 and will require the greatest amount of work. He stated that the other projects are the five-year reviews of the Comprehensive Plan, Transportation Plan, and Economic Development Strategic Plan and summarized the timelines for those reviews. The Commission voted to approve the list as presented.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Daniel, Glover, Kreider, Lee, Malone, Nelson, and Ohrstrom

No: No one

Absent: Kruhm

REVIEW OF AGENDA ITEMS FOR JANUARY 4, 2019 BUSINESS MEETING

MS-18-07/MLSE-18-04, Jimmy & Elizabeth Hill

Mr. Fincham reviewed the staff report for this minor subdivision and maximum lot size exception request. Mr. Lee noted that it is difficult to read the property line setback for the well because the number is overlapped by a dotted line. He noted that an expanded view of the reserve area for the proposed lot is provided but there is no expanded view provided for the drainfield site. He also noted that there is a discrepancy between the original permit for the existing house that was issued for a 4 bedroom drainfield when it is actually a 3 bedroom drainfield. Mr. Fincham noted that so long as the proposed reserve area meets the number of bedrooms, the subdivision application can move forward. Mr. Lee added that he was concerned that the owner could sell the house as a 4 bedroom house if they have a 4 bedroom reserve with a 3 bedroom drainfield. Mr. Fincham replied that the septic permit is required to be recorded at the time of land transfer. Mr. Stidham asked if this could be resolved by

adding a plat note and Mr. Fincham replied yes. Ms. Caldwell said that plat notes should be used in future similar situations to note potential issues with existing drainfield capacities. Mr. Lee added that the more that can be clarified with plat notes, the better.

TA-18-01, Antenna Support Structures

Mr. Stidham provided an update on this text amendment and reminded the Commission that the Public Hearing was closed at the December meeting. He noted that Public Hearing speaker David Williamson (Winchester Wireless) expressed concerns about the draft and that the Commission deferred action on the matter to evaluate his concerns. He then reviewed Mr. Williamson's concerns and Staff's recommended actions in response to each concern. He also outlined Staff's recommended alternate approach of requiring a setback for guy wires and anchors that would be half of the required setback for the antenna support structure.

Mr. Kreider said that he is comfortable with the 50% setback for guy wires and anchors but was not in favor of making any other changes and Ms. Daniel and Ms. Caldwell agreed. Mr. Stidham asked the members if they wanted to keep the 100 foot setback for all antenna support structures or adopt Mr. Williamson's suggestion of making the setback equal to the structure height. Members stated that they would be comfortable with using the structure height as the minimum setback. Mr. Glover asked what the setback requirement is for other structures and Mr. Stidham replied that we would be creating a new setback requirement specifically for antenna support structures and guying equipment. Mr. Stidham added that we typically would not have a setback for something similar to guy wires and anchors but Staff recommends establishing a setback in this case because the guy wires and anchors would be part of the antenna support structure. Mr. Fincham raised the point that on AOC properties 20 acres or larger, the minimum setback for all structures is 75 feet but a 60-foot tall antenna support structure could be constructed with a 60-foot setback instead of 75 feet. He also asked whether Staff should interpret that the greater setback should be applied. Mr. Stidham replied that the standard 75-foot setback would not apply in this case because the special setback for antenna support structures would be the controlling setback. Ms. Caldwell said that this should be fixed. Ms. Bouffault suggested applying the greater of the two setbacks. Mr. Stidham said that if you went with the blanket 100-foot setback you would not have to worry about determining whether to apply the structure height setback or the standard setback. Mr. Buckley said he is concerned with an antenna support structure being constructed at the minimum setback distance and then later being increased in height. He asked whether Staff would be able to catch these situations. Mr. Stidham replied that it is so easy to modify these structures that it could be done in a weekend and no one would notice. Mr. Buckley added that you are covered from this scenario if you use the blanket 100-foot setback. Mr. Lee said that there could be a problem on narrow lots where the 100-foot setback cannot be met. Mr. Stidham noted that most of these structures would likely be constructed in rural areas on larger lots and not on small lots. Mr. Kreider asked if we are going to stay with the 100-foot blanket setback requirement and members said yes. Mr. Stidham said that he would make the changes to the text amendment and send out a revised Staff Report in advance of Friday's meeting. Chair Ohrstrom asked if Staff has received any feedback from the public on the text amendment. Mr. Stidham replied no and also said that no comments have been received from the other WISP providers aside from earlier comments in favor of allowing antenna support structures.

NEW BUSINESS ITEMS

Consideration of Resolutions, Five-Year Reviews of Comprehensive Plan and Transportation Plan
Mr. Stidham reviewed the Staff memo and draft resolutions to initiate the reviews of the Comprehensive Plan and Transportation Plan. Regarding the submission of the County's current transportation projects to VDOT for review, Chair Ohrstrom asked whether VDOT would also help us prioritize the projects. Mr. Stidham replied that VDOT could give us an idea of how a project might score if formally submitted and we could use that information to prioritize the projects. He also noted that we may learn that some projects would need to be almost shovel-ready in order to score competitively in the Smart Scale process.

Members had no additional questions. Mr. Stidham said that the Commission does not have to adopt the resolutions at Friday's meeting if they do not feel comfortable doing so but that the resolutions should be adopted by March.

OLD BUSINESS ITEMS

Zoning and Subdivision Ordinance Update Project Progress Report

Mr. Stidham referenced the report in the work session packet and noted that Staff has completed work on the initial drafts of all of the Uses sections. He noted that the Ordinances Committee will be meeting on Friday after the Business Meeting.

The meeting was adjourned by consensus at 3:32PM.

George L. Ohrstrom, II (Chair)

Brandon Stidham, Planning Director

Clarke County



**PLANNING COMMISSION
BUSINESS MEETING MINUTES - DRAFT
FRIDAY, JANUARY 4, 2019**

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 4, 2019.

Attendance

Present: George L. Ohrstrom, II (Chair); Randy Buckley (Vice-Chair); Robina Bouffault; Anne Caldwell (arrived late), Bob Glover; Scott Kreider; Mary Daniel (arrived late); Frank Lee; Gwendolyn Malone; and Cliff Nelson.

Absent: Doug Kruhm

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

Called to Order

Chair Ohrstrom called the meeting to order at 9:00 a.m.

Approval of Agenda

The Commission voted to approve the agenda.

Yes: Bouffault (seconded), Buckley, Glover, Kreider, Lee, Malone (moved), Nelson and Ohrstrom

No: No one

Absent: Caldwell, Daniel and Kruhm

Approval of Minutes

The Commission voted to approve the Planning Commission Work Session Meeting minutes of December 4, 2018.

Yes: Bouffault (moved), Glover, Kreider, Lee (seconded), Malone, Nelson and Ohrstrom

No: No one

Absent: Caldwell, Daniel and Kruhm

Abstained: Buckley

The Commission voted to approve the Planning Commission Business Meeting minutes of December 7, 2018.

Yes: Bouffault (moved), Buckley, Glover, Kreider, Lee, Malone (seconded), Nelson, and Ohrstrom

No: No one

Absent: Caldwell, Daniel and Kruhm

Minor Subdivision

MS-18-07/MLSE-18-04, Jimmy & Elizabeth Hill

The applicants are requesting approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #20-A-6, located at 1776 Old Winchester Road in the White Post Election District zoned Agricultural Open-Space Conservation (AOC).

Commissioner Caldwell entered the meeting.

Mr. Fincham gave a brief presentation on this request. He stated that the property has two allowable maximum lot size exceptions. He said the ingress/egress for the residue lot will remain the existing driveway shown on the plat. He stated that the ingress/egress for Lot 1 is labeled on the plat as an existing entrance and the Virginia Department of Transportation (VDOT) has approved. He said that VDOT has provided comments and has no objection to the proposed subdivision. He stated that both lots have been field reviewed by the Health Department. He said that according to the Virginia Department of Health (VDH), the existing house on the residue lot has an existing conventional onsite sewage system for a three bedroom capacity. He stated that the proposed septic reserve area is a conventional onsite sewage disposal system for a four bedroom capacity. He said that a walkover of the existing system was conducted and no evidence of system malfunction was observed. He said that the residue lot is served by an existing private well and Lot 1 will be served by a three bedroom capacity alternative sewage system and a 100% septic reserve area. He stated that Lot 1 will be served by a private well as shown on the plat. He said that VDH is prepared to sign the final plats once an application for a certification letter is submitted to their office. He said that the resistivity tests have been reviewed and approved by County karst consultant Dan Rom for the proposed septic areas. He stated the subject property is held by the Clarke County Easement Authority for open space easement. He said that Staff recommends approval for this request. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request.

Yes: Bouffault (moved), Buckley, Caldwell, Glover, Kreider (seconded), Lee, Malone, Nelson, and Ohrstrom

No: No one

Absent: Daniel and Kruhm

Commissioner Daniel entered meeting.

TA-18-01, Antenna Support Structures.

Proposed text amendment to amend §§3-A-1-a-2, 3-A-2-a-2, 3-A-3-a-2, 3-A-12-a-2, and 3-A-13-a-2 (Accessory Uses and Structures -- AOC, FOC, RR, CN, and CH Districts); §3-C-2-u (Wireless Communication Facilities (WCFs)); §6-H-12 (Design Standards for Wireless Communication Facilities (WCFs)); and §9-B (Definitions) of the Zoning Ordinance. The purpose is to establish new regulations for structures designed for the express purpose of accommodating wireless internet service provider (WISP) equipment, television antennas, satellite dishes, or other communications equipment to a maximum height of 100 feet.

Mr. Stidham gave a brief presentation on this proposed text amendment. He said just to recap from the last meeting we had a public hearing and closed it at the December 7, 2018 Planning Commission Business Meeting. He stated that David Williamson from Winchester Wireless had raised several issues with the Text Amendment and this necessitated the item be deferred to January for further discussion. He said that at our Work Session Meeting the Planning Commission requested one change and this was to amend the language to allow a minimum 50 foot setback from all property lines, public rights of way and private access easements for guy wires and anchors for any antenna support structure that is required to be guyed. He said another related item the Commission decided to stay with is the blanket 100 foot setback from property lines, rights of way, and private access easements as opposed to going with a setback equal to the tower height. He stated the approach we are taking with the guy wires reflects a similar approach we use elsewhere in the Zoning Ordinance where we allow a 50% setback for certain building elements. He said that in this case the building element for the antenna support structure would be the guy wire and anchors. He said the language that will be changed in the text amendment is on page 7 of the Staff Report under 7d, "Freestanding." He stated that the last sentence will state, "All wires, anchors, and other structures associated with a guyed antenna support structure shall be setback a minimum of 50 feet from any property line, public right of way, and private access easement." He said that the public hearing has been closed on this and there is no need to readvertise with this change as it does not increase the intensity of the text amendment.

Chair Ohrstrom asked if there were any questions from the Commission, there being none he called for a motion.

The Commission voted 9-1-1 to recommend adoption of the proposed text amendment as presented to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell, Daniel, Glover, Kreider, Lee, Malone (seconded) and Ohrstrom

No: Nelson

Absent: Kruhm

Consideration of Resolutions, Five-Year Reviews of Comprehensive Plan and Transportation Plan

Mr. Stidham stated that this item is to consider adoption of resolutions regarding five-year reviews of the Clarke County Comprehensive Plan and Transportation Plan. He went over the Staff memo and draft resolutions to initiate the reviews of the Comprehensive Plan and Transportation Plan. He said the five-year anniversaries of the Comprehensive Plan and Transportation Plan adoptions will occur in March 2019.

The Commission voted to review the Clarke County Comprehensive Plan once every five years to determine whether it is advisable to amend the plan.

Yes: Bouffault (seconded), Buckley, Caldwell, Daniel, Glover, Kreider, Lee, Malone, Nelson (moved), and Ohrstrom

No: No one

Absent: Kruhm

The Commission voted to review the Transportation Plan once every five years to determine whether it is advisable to amend the plan.

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Daniel, Glover, Kreider, Lee, Malone, Nelson, and Ohrstrom

No: No one

Absent: Kruhm

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that the budget season is in full swing. She said that the Board of Supervisors (BOS) met with legislators on December 10th. She stated that one thing that was discussed was pay increases for state employees which will have an impact on the County budget because localities are required to contribute 18.5%. She said there was a discussion about what will happen to Camp 7. She stated that the State seems determined to turn it over to the Department of Military Affairs for parking unused vehicles. She said the BOS agree it is too important a property for that use and would like it to be a commercial development. She said there was also a discussion on reliable and affordable internet access in anticipation of the Governor's program. She stated that internet is now a priority and the BOS is hoping to get the legislation to help the County with internet expansion. She said another item that came up was teacher shortages and salaries. She stated that the BOS had a joint meeting with the Town of Berryville and the Town Council and it was agreed to move forward with a traffic study. She stated that there was a discussion with VDOT about the dangerous issues on Route 7 going through Clarke County. She said that after talking with VDOT it was decided by VDOT that they would agree to do a safety study through Clarke County. She stated that it was a verbal commitment from the VDOT representative for Clarke County.

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

Nothing to report.

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell stated that the BZA granted a setback variance on the property located at 3162 Parshall Road.

Historic Preservation Commission

Nothing to report.

Conservation Easement Authority (George Ohrstrom, II)

Commissioner Ohrstrom stated that we were able to record two more easements before the end of the year. He said that this brings in 550 acres and 9 dwelling unit rights to the County.

Broadband Implementation Committee (Mary Daniel)

Mr. Stidham stated that we were going to meet with a representative from a new WISP in the County but something came up and he could not make it. He said he is hoping to get with him to set up another date.

Other Business

Mr. Stidham said there is no update on Robert Claytor and no response from Greenway. He said that we sent him a photograph of standing water right in the center of the property which is now an issue. He stated that we are not expecting anything to get filed by today's filing deadline and if Robert Claytor does not move forward next month we may cancel the February Planning Commission meetings.

On motion by Commissioner Malone and seconded by Commissioner Nelson the meeting was adjourned at 9:38 a.m.

George L. Ohrstrom, II, Chair

Debbie Bean, Recording Secretary