

# Clarke County

---

**PLANNING COMMISSION  
BUSINESS MEETING MINUTES - DRAFT  
FRIDAY, APRIL 5, 2019**



A Business Meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, April 5, 2019.

### **Attendance**

**Present:** George L. Ohrstrom, II (Chair); Randy Buckley (Vice-Chair); Robina Bouffault; Anne Caldwell, Bob Glover; Scott Kreider; Mary Daniel; 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, Buckley, Caldwell, Daniel, Glover, Kreider (seconded), Lee, Malone, Nelson (moved) and Ohrstrom

**No:** No one

**Absent:** Kruhm

### **Approval of Minutes**

The Commission voted to approve the Planning Commission Work Session Meeting minutes of January 2, 2019.

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

**No:** No one

**Absent:** Kruhm

The Commission voted to approve the Planning Commission Business Meeting minutes of January 4, 2019.

**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 Text Amendment on Antenna Support Structures has been adopted. She said on April 15, 2019 there will be a public hearing on amending the county code to prohibit solicitations in road ways. She said that this is a direct result from concerns and complaints from citizens particularly in the Waterloo area and other areas as well. She said that the other public hearing is on the budget which has been published. She stated that this will be the final opportunity to speak on the budget.

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

Nothing to report.

### **Board of Zoning Appeals (Anne Caldwell)**

Nothing to report.

### **Historic Preservation Commission (Doug Kruhm - Absent)**

Nothing to report.

### **Conservation Easement Authority (George Ohrstrom, II)**

Chair Ohrstrom stated that the Conservation Easement Authority is getting ready to finalize on the ALE grant which is in the northwest corner of the County with the Opequon Cattle Company which has a couple of hundred acres.

### **Broadband Implementation Committee (Mary Daniel)**

Commissioner Daniel stated that there has not been a meeting since the last update. Mr. Stidham stated that the State has awarded a grant to extend Comcast service to White Post. He said this has to be completed within one year so this is going to move forward very quickly. He stated that the amount of the grant is just over \$200,000.00. He said that there is no local match.

### **Other Business**

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

Chair Ohrstrom stated that in the interest of full disclosure he is the Co-Chairman of the Environmental Council and he suggested that they come and give a presentation on what our neighbors to the east are doing. He introduced Gem Bingol and Mike Kane with the Piedmont Environmental Council (PEC) in Loudoun County and thanked them for coming in and for doing this presentation for the Commission.

Ms. Bingol thanked the Commission for inviting them here today. She stated that she works in Loudoun and Clarke Counties. She said she use to come to Clarke County quite frequently but things started going crazy in Loudoun and she has been spending most of her time in Loudoun County. She said that she appreciates Clarke County for their conservation ethic and she said she thinks that Clarke County is a wonderful County.

Ms. Bingol said that for the folks that are not familiar with what the PEC does she will give a brief explanation. She said that the PEC works in nine Counties in Virginia and most are located in the Piedmont area and one is in the valley which is Clarke County. She said that even though Loudoun County is a neighbor people may not know Loudoun's growth history. She stated that since the 1960s Loudoun County's population has more than doubled every twenty years. She said that Loudoun County's population in 2000 was 169,000 and today it is over 400,000. She stated that when you double from 200,000 to 400,000 people in 20 years you are going to see impacts and they are unavoidable and unfortunately affect the population quite a bit. She said that we are looking at the Comprehensive Plan right now. She stated that she sat on the stakeholders committee which started their work in June 2016. She said that the committee had the plan for approximately two years and then the plan went to the Planning Commission in July 2018. She said Loudoun County is not a job leader even with all of this growth. She stated that vehicles traveling have doubled since 2000. She said that the population could get up to over 600,000 by the year 2040. She said the Board of Supervisors (BOS) had to make the choice to raise taxes or lower services in order to keep up with the growth. She stated that since 2000 the first 10 years the taxes went up and in the last nine years the tax rate has been equalized. She said that the tax rate has not gone up it is at a flat tax rate and the services have gone down approximately 13%. She stated that Loudoun County had to get into the road business because otherwise there would have been total gridlock on the roads.

Ms. Bingol said that the BOS is going to have public hearings on April 24<sup>th</sup> and April 27<sup>th</sup> with 5 work sessions in May and June and potentially adopt in June of this year. She said that we are encouraging people to come out and talk about what they care about. She mentioned that there is an unregulated landfill in the County. She stated that the property is located off of Route 7 in the Hamilton area. She said that over the last 3 years it has operated in the guise of a personal recreational field on 18 acres. She stated that the County said that they have a grading permit for this area but they have exceeded that permit. She said the next door neighbors have filmed the area and County Staff met with the neighbors and followed up on their complaints. She stated there was a report of them selling fill from the site which the County stopped. She said there was clear evidence of dumping liquid waste and the County stopped that. She stated that they finally issued a stop work order in September of last year. She said that the County has documented everything on their website and acknowledged the problem and are taking steps to tighten up the process. She stated that there are additional things that can be done in addition to the Erosion & Sediment regulations. She said one thing is that the County has a 3 year grading permit and this is to make it easier for the developers. She stated that they hope the County will be open to new regulations to tighten this up. She said problems like this are out there and it will continue to happen unless we get more State oversight. She stated that you can go to [www.loudounrurallandfills.com](http://www.loudounrurallandfills.com) and see everything the neighbors have documented and view the video made by the neighbors of the area. She said that our Director of Land Use wrote a letter to the Secretary of Natural Resources to talk about disposal of nonagricultural excavation material not generated on the site. She stated that the Department of Environmental Quality (DEQ) said that we do not see an issue here. She said that even though they came out to the area for a site visit they did not take any samples. She said that the PEC hopes to have a more in depth conversation with the Secretary of Natural Resources and the DEQ to address this issue.

Ms. Bingol stated that Loudoun County has a plan for "Emerald Ribbons," a parks and trails proposal. She said that the PEC has been working on this with other non-profits in the County to respond to a really strong demand from the public for more parks and trails in the County. She said that they came

up with the idea where trails could run along the stream valleys and interconnect across the County. She stated that the BOS has supported this and asked our Parks & Recreation Department and the Open Space Committee to draft a plan for the concept and it is due back to the BOS in June. She said that this is a very long term effort. She stated that most people are very supportive and we do not want anyone to feel like we are forcing this upon them. She said that the PEC has been working with other groups, the Coalition of Preservation and Conservation and the Coalition of Loudoun Towns and other local community groups to look at what the public actually said when public input was solicited. She stated that the County did a great job on public input for the Comp Plan. Chair Ohrstrom thanked Ms. Bingol for her presentation.

Mike Kane, Director of Conservation at PEC introduced himself to the Commission. He stated that part of the debate with the Comp Plan in Loudoun has been a discussion about the creation of a transferable development rights program (TDR). He said that he has worked in Loudoun for approximately eighteen years and he has done some planning but mostly works with landowners on conservation projects. He stated that the idea of a TDR program might be a good idea and if Loudoun would be a good match for this program. He said that over the last year he and Gem have been part of a team group of citizens. He said that George Ohrstrom, Co-Chair of the Environmental Council, representative of the PEC was involved in the discussions about the TDR program. He stated that a TDR is a transfer of development rights program and the basic idea is to remove development rights that are in one part of a jurisdiction and move into another jurisdiction where we think there is the capacity and where growth is planned for the future. He said that you can sever development rights off a parcel of land and transfer them to another. He stated that you need to have strong Planning & Zoning in order to make this program work. He said that another reason this is a good program is that most of the programs are by right which can be done administratively. Chair Ohrstrom thanked Mr. Kane for the presentation.

**Update on SP-18-02, Robert Claytor**

Mr. Fincham stated that we have not heard anything from Mr. Claytor and there is still 3 outstanding issues that need to be resolved before moving forward. He said Mr. Claytor is voluntarily deferring.

**Ordinance Update Project Progress Report**

Mr. Stidham stated that the Ordinance Committee Meeting is right after this meeting.

On motion by Commissioner Malone and seconded by Commissioner Kreider the meeting was adjourned at 10:08 a.m.

---

George L. Ohrstrom, II, Chair

---

Debbie Bean, Recording Secretary