

# Clarke County

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**PLANNING COMMISSION - DRAFT**  
**BUSINESS MEETING MINUTES**  
**FRIDAY, JUNE 7, 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, June 7, 2019.

**Attendance**

**Present:** George L. Ohrstrom, II (Chair); Randy Buckley (Vice-Chair); Robina Bouffault; Anne Caldwell; Mary Daniel; Scott Kreider; Frank Lee; Gwendolyn Malone; and Pete Maynard.

**Absent:** Bob Glover and 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, Kreider (moved), Lee, Malone (seconded), Maynard and Ohrstrom

**No:** No one

**Absent:** Glover and Kruhm

**Approval of Minutes**

The Commission voted to approve the Planning Commission Work Session Meeting minutes of April 30, 2019.

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

**No:** No one

**Absent:** Glover and Kruhm

Chair Ohrstrom said he has a correction to the minutes of the May 3, 2019 Planning Commission meeting under the section Board/Committee Reports. He said that under the Conservation Easement Authority (CEA) report for May it should read that the Conservation Easement Authority (CEA) closed on the Opequon Cattle Company Easement which is funded by the Agriculture Land Easement (ALE) program.

The Commission voted to approve the minutes of May 3, 2019 with the requested correction.

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

**No:** No one

**Absent:** Glover and Kruhm

### **Site Plan Review/Continued Public Hearing**

**SP-18-02, Robert Claytor.** Request approval of a Site Plan Amendment to add a canopy and diesel pumps to the property identified as Tax Map #28-A-20G located at 8153 John Mosby Highway in the White Post Election District, zoned Highway Commercial (CH) and Historic Access Corridor Overlay District (HC).

Mr. Fincham stated that the Applicant has deferred this request each month since their first deferral on November 1, 2018. He said that Robert Claytor is requesting to add a canopy and diesel pumps to an existing lot. He said that the lot will be merged and boundary line adjusted with the adjoining lot preceding the approval of the Site Plan Amendment. He stated that the property is zoned Highway Commercial (CH) and Historic Access Corridor Overlay District (HC). He said that the Applicant was working on outstanding issues with the Virginia Department of Transportation (VDOT), Department of Environmental Quality (DEQ), Clarke County Sanitary Authority (CCSA), and on the Erosion and Sediment Control Plan. He stated that the Applicant has resolved the issues but is still awaiting some agency approval letters. He said that the Applicant is seeking a conditional approval from the Planning Commission today. He stated that Staff will not sign or obtain other signatures on the final site plan until the approvals are received. He said that the engineer and the agent for the Applicant were supposed to attend the meeting today but have not shown up yet. He asked the Commission to look at the plan and it shows the original proposal with all of the stormwater going eastward to a VDOT stormwater pond that is by the park and ride. He said that has changed and DEQ, the Applicant and VDOT all worked together to put a new stormwater feature in to handle everything on site. He stated that according to Mark Cline with Hurt & Proffitt, he and the Applicant like this a lot better than the original plan. He said that they will use some of the basins for erosion and sediment control and that they will then be converted into stormwater features once the construction is finished. He stated that at the Work Session meeting we had the full approval from VDOT and full approval from DEQ except for the paperwork which Mr. Settle at DEQ should send to Staff within a week. He said that Hurt & Proffitt called Staff on Tuesday of this week concerned that the plan had completely changed. He stated that Hurt and Proffitt asked Staff if they should focus on erosion and sediment control first and then see how that affects the stormwater and the VDOT issues. He told Hurt & Proffitt that is exactly what they should do. He said currently Staff is awaiting for final approval letters from DEQ and Hurt and Proffitt. He stated that the CCSA does not meet until July 18, 2019. He stated that Staff feels that all the issues have been resolved and recommends approval of this request on condition that prior to final signature of the site plan all review agency approvals are received by Staff and that the boundary line adjustment and lot consolidation plat is properly recorded.

Chair Ohrstrom stated that he is okay with approving this request as long as Mr. Fincham follows up and receives all the documentation. After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments. There being no public comments Chair Ohrstrom called for a motion.

The Commission voted to approve this request on condition that prior to final signature of the site plan all review agency approvals are received by Staff and the boundary line adjustment and lot consolidation plat is properly recorded.

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

**No:** No one

**Absent:** Glover and Kruhm

### **Board/Committee Reports**

#### **Board of Supervisors (Mary Daniel)**

Commissioner Daniel stated that at the last meeting of the Board of Supervisors (BOS) the local middle school students attended the meeting. She said the students spoke to the BOS about issues in the County telling them what they think is good and bad. She stated that after their talk they were pleased to hear about the Comprehensive Plan which addresses almost all of the issues they spoke about. She said that she introduced the students to Alison Teeter, the Natural Resources Planner for Clarke County. She said hopefully they realize that the BOS is taking all of their concerns seriously. She said that the BOS did the resolution for Tripp Hardesty which was very nice. She stated that the BOS accepted a donation for the dog park for picnic tables. She said that the BOS approved the six year VDOT plan which is in the public records if anyone would like to see it. She stated that this will move up the paving of Janeville road. She said she thinks it goes out to bid in the next fiscal year instead of two to three years. She said that the BOS requested a study from VDOT on thru truck restrictions. She stated the BOS has designated Route 601 as a thru truck restricted road. She said the big item the BOS is working on is finding a new County Administrator and they are hoping the new person can work the entire month of December while Mr. Ash is still working.

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

No Report

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

No Report

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

No Report

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

Chair Ohrstrom stated that the Conservation Easement Authority (CEA) is having a dinner at Camino Real on June 13<sup>th</sup> to talk with local area residents about easements and everyone is invited to attend.

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

Commissioner Daniel stated that the Broadband Committee met with the Rappahannock Electric Cooperative (REC) representatives. She said that we discussed the provision of internet across electrical lines. She stated that BOS member Bev McKay asked the representatives why they are not giving Clarke County the information they need and why they are not answering the questions that are asked. She said that the representatives said they are not fundamentally opposed to the idea for Clarke County to get fiber but they do not believe they have the infrastructure at this time. She stated they are

replacing lines that are in bad shape and as they do they are leaving extra room and capacity on the lines so that the long term goal could be a possibility.

Commissioner Bouffault said that she followed up with REC in writing to ascertain a couple of things because Len Capelli had asked the question about whether or not they are going to be able to utilize a federal grant as Dominion and Appalachian Power Companies have been approved by the recent legislature. She said that they could not because as an electrical co-op they were not able to get any additional funding for this to help defray what is an obligatory update of their whole system. She said that their system is currently a system of microwaves which is obsolete and this is going to be replaced by fiber. She stated that all the electrical companies have to do this by law and that is why they are doing this. She said they were very reluctant to say they do not have the towers in Clarke County and so there will be no infrastructure or power stations in Clarke County. She said that they will not be implementing anything within Clarke County. She stated that Clarke County will not be benefitting from any of the new fiber they are putting up. She said that she also contacted Shentel. She told them that the FBI Center is going up at the end of Route 723 and Shentel has all of its materials going up on Route 340 so why not go all the way down Route 723 and that would give Clarke County some opportunities to look at WISPS and get some off shoots from that. She said the person in charge just returned from vacation and he told her that Shentel will be looking into this and would let her know. She told him that Shentel has brand new poles up that were done by REC. She told him that she knows that REC is already carrying your fiber and it is obvious that there is something that Shentel could do. She said she is waiting to hear back from Shentel and will keep everyone up to date. She stated that she is not optimistic about hearing from them but she wants them to know that we do exist. She said she has given Shentel a list of the commercial Waterloo folks with addresses and names for them to contact to see if they would be interested in getting fiber in their businesses. She said that Shentel did tell her that they sent out a mass mailing in Clarke County to all of the affected properties along Route 340, and parts of Route 522, Route 50 and Route 7 to advise them of the availability of fiber for businesses.

Mr. Stidham stated that he talked with the REC representative this week and encouraged him to contact us about organizing a meeting of all the WISPS in Clarke County. He said that there is around 7 or 8 WISPS serving the County. He stated that we have gotten them together once before and if you tell them that something is coming they will all show up because none of them want to miss out. He said that they also have to be prepared to show up and explain to them very specifically how you can serve them not just that you have excess fiber capacity that they can pay an exorbitant rent to access. He stated that he asked the representative if they have looked into innovative ways to let the WISPS integrate with the lines because they obviously do not want the companies climbing up and down their power poles. He asked if there would be a problem hanging the antennas in the lower portion of the pole which they refer to as the communication space, the bottom part is where the fiber runs and the top part is where the electricity runs. He asked if they would have a problem hanging the antennas to reach homes or if they would have any problems if a homeowner wanted to build an antenna support structure and have a line running through their back yard could they connect the fiber directly to that and be served by WISPS that could also serve the general vicinity. He advised them that the best thing to do is get these types of answers and if you have something to share with the WISPS call us back and we will try to get them altogether and you can make your presentation and see what they can do.

Commissioner Daniel stated that she wants to thank Mr. Stidham and Commissioner Bouffault for all the extra time they have put in this matter above and beyond the committee meetings. She stated that Board member Bev McKay wants me to mention that REC is doing something and we own them. She said he would like everyone to talk to your REC Board of Directors and tell them about the need that we have and how they could serve Clarke County better.

Chair Ohrstrom said that sometime this summer all of the REC customers will be receiving a proxy vote for the Board of Directors. He said that normally the way REC and most electrical co-ops operate is the Board of Directors were chosen before by the Board of Directors that have been there for 30 years. He said that the regular people that have a proxy vote basically get a class B vote whereas the Board has Class A votes. He said it was quite difficult to change the Board of Directors. He said that now we have 3 people running for the Board of Directors and he would urge all of the Commission to look into their proxy votes when they receive them in the mail and then vote for whoever you want to. He said that most people just throw them in the trash and we end up with the same Board of Directors.

**Other Business**

None

**Adjourn**

On motion by Commissioner Daniel and seconded by Commissioner Malone the meeting was adjourned at 9:20 a.m.

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George L. Ohrstrom, II, Chair

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Debbie Bean, Recording Secretary