

# Clarke County

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## PLANNING COMMISSION BUSINESS MEETING MINUTES FRIDAY, JULY 12, 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, July 12, 2019.

### Attendance

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

**Absent:** Mary Daniel and Doug Kruhm

**Staff Present:** Brandon Stidham, Planning Director; Alison Teetor, Natural Resource Planner; 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 (moved), Buckley, Byrd, Caldwell, Glover, Kreider, Lee, Malone (seconded), Maynard and Ohrstrom

**No:** No one

**Absent:** Daniel and Kruhm

### Approval of Minutes

The Commission voted to approve the Planning Commission Work Session Meeting minutes of June 4, 2019.

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

**No:** No one

**Absent:** Daniel and Kruhm

The Commission voted to approve the Planning Commission Work Session Meeting minutes of June 7, 2019.

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

**No:** No one

**Absent:** Daniel and Kruhm

### **Set Public Hearing Item**

**SUP-19-01/SP-19-01, Crown Castle.** Request approval of a Special Use Permit (SUP) and Site Plan to construct a new 185-foot Class 4 Wireless Communication Facility (WCF) that would replace an existing 84-foot monopole per §3-A-2-a-3-r of the Zoning Ordinance. The property is located on the west side of Mt. Carmel Road (Rt. 606) approximately 450 feet from its intersection with U.S. 50/17 (John Mosby Highway), Tax Map #39-A-74, is 84.55 acres in size, and is zoned Forestal-Open Space-Conservation (FOC).

Mr. Stidham stated that Crown Castle is requesting a Special Use Permit (SUP) and Site Plan approval to construct a 185 foot cell tower. He said that the property is located on Mt. Carmel Road and is identified as Tax Map #39-A-74 and zoned Forestal Open-Space Conservation (FOC). He gave a power point presentation on this proposed request. He showed where the monopole will be located in proportion to Mt. Carmel Church. He said that a stealth flagpole was put up in this area in 2012. He stated that the Site Plan and accompanying documentation shows a 92' fall zone for the proposed monopole. He said that the property line for an adjacent "island lot" is 61.5' from the proposed monopole base. He stated that a variance from the Board of Zoning Appeals (BZA) of 30.5' is required for compliance with setback requirements. He said that the BZA variance can be applied for and be processed concurrently with the SUP. He said that if the Applicant chooses to wait until after or near the end of the SUP process then the requirement for the needed variance can be included as a SUP condition. He stated that approval of the site plan would have to be conditioned upon variance approval. He said that Staff recommends that the Commission schedule Public Hearing on this application for the September 6, 2019 meeting. After discussion with Staff, Chair Ohrstrom asked the Commission for comments.

Commissioner Bouffault stated that she does not like the color of the pole and that it sticks out like a sore thumb. Mr. Stidham said it will be a more neutral color. There being no further comments, Chair Ohrstrom called for a motion.

The Commission voted to approve setting public hearing for this request for the next regular meeting of the Commission on September 6, 2019.

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

**No:** No one

**Absent:** Daniel and Kruhm

### **Minor Subdivision Review**

**MS-19-03/MLSE-19-02, Shannon Dulaney (Applicant)/Sharon Warfield (Owner).** Request approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the properties identified as Tax Maps #22-A-17A and 17B, located at 987 Annfield Road, White Post Election District, zoned Agricultural-Open Space-Conservation (AOC).

Ms. Teetor explained this request. She said that this request is for a two lot minor subdivision and a maximum lot size exception. She stated that Tax Map Parcels 22-A-17A and 22-A-17B will be merged

creating 198.9118 acre parcel and then the merged lot will be immediately subdivided as depicted on the survey plats provided. She said that the result will be three lots consisting of a 3.00 acre lot, a 95.7118 lot utilizing the MLSE allowance for the pre-1980 house located on that lot. She said the remaining lot will be over 100 acres in size which according to the Ordinance is not a part of the minor subdivision. She said that several months ago the applicant provided Staff with plats and a narrative explaining the proposed merger and the subdivision of the subject property for the purposes of estate planning. She stated that Staff presented the information to the Planning Commission Plan Review Committee in April and the Committee took no action but consensus was the applicant's proposal was satisfactory. She stated that the access has been approved by the Virginia Department of Transportation (VDOT) with some site distance and grading additions. She said that water and sewer has been approved by the Virginia Department of Health (VDH). She stated that the resistivity tests have been reviewed and approved by County karst consultant Dan Rom. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted to approve this request.

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

**No:** No one

**Absent:** Daniel and Kruhm

### **Board/Committee Reports**

#### **Board of Supervisors (Barbara Byrd)**

Commissioner Byrd stated the Board of Supervisors is currently working on finding a new County Administrator. She said one of the requirements for the County Administrator position is that they need to be a Clarke County resident.

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

No Report.

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

No Report.

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

Ms. Teetor said that there is a potential request to put up a garage on a property in White Post within the local historic district. She said they are waiting on the applicant to decide what she wants to do.

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

Chair Ohrstrom stated that we are getting a lot of traction on dwelling unit right purchases. He said it seems like after all of these years the word has finally got out that there is some cash available. He stated that they are beating the doors down so we will see what happens.

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

Commissioner Bouffault stated that she did contact Shentel recently in regard to the Route 723 issue. She said that she has not heard anything so she is going to wait until everyone gets back from vacation so we can launch it again next month. She said that Shentel has gone fiber optic and she reported this

information to Winchester. She said Winchester wants to wire the entire city and go head to head in a competition with Comcast.

### **Other Business**

Ms. Teetor handed out recently published brochures about the Appalachian Trail. She said that we are an Appalachian Trail community and we worked with the park service and a private company to produce these maps. She stated that the maps show day hikes associated with the Appalachian Trail in Clarke County. She said it was a joint effort and Cathy Kuehner did a lot of the photography on the cover and Lee Shaffer provided the written descriptions of the hikes. She stated that Rob Lamar and Christy Dunkle also participated. She said that the brochure was actually free to the County because we did get support from Dunn Land Surveys for \$100.00 to help produce another additional 1000 copies of the brochure and also a donation from Chip Schutte with RE/MAX for \$100.00. She said that the rest of the money was provided by the park service.

### **Discussion, AirBNBs**

Mr. Stidham said that we had an extensive discussion at the work session meeting on AirBNBs. He said that we looked at two potential dates for the next policy committee meeting. He stated we have two dates to choose from which is July 26<sup>th</sup> or July 29<sup>th</sup> at 10:00 a.m. Commissioner Bouffault, Commissioner Malone and Commissioner Kreider all agreed that July 29<sup>th</sup> at 10:00 a.m. would work for them. Mr. Stidham said that he will send out a confirmation email to everyone and that he will contact Commissioner Kruhm and let him know about that date. Commissioner Bouffault stated that she is trying to find an easy way of doing this without getting enmeshed in it. She said that it is going to have to be a zoning text amendment and thus far she has looked at Loudoun County, Frederick County and Waynesboro. She said that she found that Waynesboro is the best one and it was just voted on last month. She said she would like to send a copy of this amendment to everyone ahead of time. She stated that it will give us an idea about how to move through this quickly and make it possible for the Commissioner of the Revenue to write a letter to the AirBNBs stating how we are going to handle this. She said that at the work session meeting we discussed that some of the AirBNBs may not be eligible given their circumstances. She stated that at least it will cover the bases for the County or for the Commissioner of the Revenue on a short term basis.

Chair Ohrstrom stated that John McCarthy with Piedmont Environmental Council was present and he asked him how Fauquier County handles AirBNBs. Mr. McCarthy stated that they regulate them like a lot of communities do usually with a Special Use Permit (SUP). He said that there is a lot of push back from AirBNB owners that have gone through the SUP process not wanting there to be a separate category. He said that the best way to describe it is an ongoing fractious debate. Commissioner Bouffault stated she considers this to be an integral part of the economic development in this County. She said that this is a very beautiful County and people that were born and raised here do not appreciate it. She said we have Blue Ridge Mountain Road mainly on our side, we have the Appalachian Trail and the Shenandoah River. She said that we have something to sell and that is what we should be selling. She stated that all we have to do is regulate it, level the playing field for our existing AirBNBs and make it as simple as possible. She stated that people will get used to the idea if they want an AirBNB all they have to do is get a business license and depending on what they want to do they will need to go through the process.

**Letter of Appreciation for Cliff Nelson**

Chair Ohrstrom said that we have a letter of appreciation for retiring member Cliff Nelson. Chair Ohrstrom read the letter to the Commission. The Commission thanked Chair Ohrstrom for reading the letter. Commissioner Caldwell suggested that we include this letter in the record. After discussion with the Commission and Staff it was agreed to include this letter in the record.

The Commission voted to include this letter in the record as presented.

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

**No:** No one

**Absent:** Daniel and Kruhm

**Discussion with Piedmont Environmental Council (PEC) Fellowship Program participants**

Chair Ohrstrom stated that the Piedmont Environmental Council fellows are here today to see how a small rural Planning Commission works. He asked the PEC students to introduce themselves and thanked them for coming.

**Adjourn**

On motion by Commissioner Malone and seconded by Commissioner Kreider the meeting was adjourned at 9:42 a.m.

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George L. Ohrstrom, II, Chair

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Debbie Bean, Recording Secretary