

Clarke County

PLANNING COMMISSION WORK SESSION MINUTES TUESDAY, SEPTEMBER 3, 2019



A work session of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, September 3, 2019.

ATTENDANCE

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

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

Others Present: Cathy Kuehner (Public Information Director) & Len Capelli (Economic Development Director).

CALLED TO ORDER

Mr. Stidham called the meeting to order at 3:04 pm. He asked the Commission if they wanted to add anything to the Agenda. Chair Ohrstrom stated that he forgot to add the discussion on the Economic Development Strategic Plan to the Agenda and he apologized for the mistake. Mr. Stidham stated that we can add the item under "New Business Items".

APPROVAL OF WORK SESSION AGENDA

Members approved the work session agenda by concensus with the addition of discussion of the Economic Strategic Plan.

REVIEW OF AGENDA ITEMS FOR SEPTEMBER 6, 2019 BUSINESS MEETING SUP-19-01 / SP-19-01, Crown Castle

Mr. Fincham reviewed the updates that have occurred since the July Planning Commission meeting. He said that the Applicant has responded to the comments from George Condyles (County Telecom Consultant) and Brian Lichty (County Emergency Services Director). He said that the Applicant has also been working with VDOT to satisfy their requirements and they have updated the site plan numerous times in response to those comments. He said that VDOT is the only remaining agency with outstanding issues at this time. He stated that he has contacted Bobby Boyce (VDOT) and he advised verbally that the remaining VDOT revisions are minor and he anticipates approval once those revisions are reviewed. He said that the public hearing has been advertised. He said that the applicant did apply for a setback variance with the Board of Zoning

Appeals and the public hearing has been scheduled for September 10, 2019. He stated that the fall zone is 92 feet and there is 61.5 feet from the property line where the cemetery lot is and that is what the variance is for. He said the Applicant provided a response letter on July 10, 2019 which was forwarded to Mr. Condyles. He stated that Staff discussed the response letter with Mr. Condyles by phone and he advised that he would be present at the September 6, 2019 Planning Commission meeting for any needed clarifications and to answer questions. He said that Mr. Condyles did send Staff a check list with 15 comments. He said that the comments were items that are in compliance with the exception of one which in the opinion of Mr. Condyles is outstanding. He said the outstanding issue is the identification of co-locatable existing structures. He said he is questioning why Crown Castle is not co-locating on the American Tower monopole. He said Mr. Condyles will be at the meeting on Friday to answer questions from the Commission.

Commissioner Caldwell stated that she has done some research on Crown Castle. She said that on the internet she found that this company is a tower building company. She said they really have no interest in anything but building towers. She said that recently Sprint and T-Mobile have merged and she believes they are getting rid of some of their assets or leases. She said in her opinion Crown Castle does not care a thing about co-locating on a tower. She said this is a point that she thinks we should consider. She stated that they are a huge company and have bought multiple businesses recently. Commissioner Bouffault stated she thinks that Sprint/T-Mobile, merger which is Shentel Mobile, has about an 80 foot tower right across from Blandy and she has heard they want to increase the height of that tower. She said they want it to go up in height so they can provide a lot more coverage without having to build a new tower. Mr. Fincham stated that Crown Castle towers are in Clarke County, he said in looking through files the name Crown Castle has shown up many different times. Chair Ohrstrom asked if he is correct that the tower will provide broadband access. Mr. Stidham said it will provide additional real estate for WISPS and whether it will be at an elevation that will be beneficial to the WISPS he does not know. Commissioner Kruhm asked for clarification on whether more than one tower can be put up on this site. Mr. Stidham stated they started out with two in close proximity to each other and Verizon moved up on the ridge line so they could get a higher elevation. He said Crown Castle is replacing the existing pole within the same compound and taking advantage of the higher height restrictions.

Mr. Fincham stated that back in August a representative from American Tower contacted him asking what is the date of the next Planning Commission Meeting. He said that they own the tower across the road and according to George Condyles there is probably back door communications going on. He said that Mr. Condyles is anxious to see if American Tower will be attending the meeting on Friday.

Mr. Fincham stated that the last update from Bobby Boyce with Virginia Department of Transportation (VDOT) was August 12th. Mr. Boyce's letter indicated that a culvert will be required for the proposed entrance and details of the design must be provided. He also stated that a turnaround area onsite to keep vehicles from backing into Route 606 must be provided. Mr. Fincham stated that the Applicant submitted those revisions electronically on August 21st. He said that Staff has contacted Bobby Boyce and he has advised verbally that the remaining VDOT revisions are minor and anticipates approval once those revisions are able to be reviewed.

He said he wants to mention that since they are removing a tower and building a tower there will be entrance upgrades so there will be some land disturbance but it will be under the threshold of 10,000 square feet therefore the Building Department will handle that.

Mr. Fincham stated in regard to landscaping he anticipated a comment from the Commission to the type of plants that are suggested. Commissioner Caldwell said that instead of Leyland Cypress which is prone to disease, change it to Green Arborvitae and instead of Foster Holly which deer like, use American Holly, which deer stay away from. The Commission agreed to recommend changing the landscaping plants as suggested. He stated that Brian Lichty (Emergency Management) stated that the Applicant provide a Knox box for possible expansion to the Clarke County Public Safety System. He also said that they require all users to abide by the FCC Best Practices Guide. He said that the Applicant stated in writing that they would abide by these recommendations. He stated that the Applicant did estimate the cost of removal but the Zoning Ordinance requires that a removal bond equal to the cost of the removal of the WCF, all the WCF fence and footers, underground cables, support buildings plus 25% is required prior to approval and that the bond remain in effect for the life of the WCF. He said that Sara Brown with Crown Castle is working on the removal bond and anticipates having it completed very soon. Mr. Stidham said he has a comment on the removal bond. He said the new legislation states you can only require removal bonds imposing the same requirement as on other commercial structures.

Mr. Fincham stated that the next item is the analysis of the 19 criteria for the Special Use Review Criteria which he said he will go over at the Business Meeting if the Commission agrees to this. The Commission agreed to hear the 19 criteria at the Business meeting. He said the next item is the Special Use Permit Conditions. He said that the Special Use Permit (SUP) is issued for the subject property of a Class 4 Wireless Communication Facility (WCF) solely by the Applicant, Crown Castle. The SUP shall not be transferable to any other person or entity without approval of the Board of Supervisors as an amendment to the approved SUP conditions. He stated that the Applicant and property owner shall sign the list of adopted conditions to indicate receipt of the conditions and the intention to comply fully with the conditions for the life of the Special Use Permit. He stated that a signed copy of the conditions shall be provided to the Planning Department Staff within 30 days of the Applicant's and Owner's receipt of the adopted conditions. He said that Staff and other County officials shall have access to the property with 24 hour notice to the Applicant in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit. He said that there will be 3 features that shall be properly maintained throughout the life of the project. He stated that the property entrance shall be maintained consistent with VDOT regulations. He said that the access for emergency service and law enforcement shall be permitted. He stated that the security fencing shall be maintained throughout the life of the project. He stated the Applicant shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building certificate of occupancy. He stated that the Applicant shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building certificate of occupancy.

Mr. Fincham stated that Staff recommends that the Commission conduct the advertised public hearing and provide a formal recommendation to the Board of Supervisors on the application. He said that Staff recommends approval with conditions contingent upon final VDOT written approval

of the site plan, the posting of the required removal bond, and a variance approval from the Board of Zoning Appeals.

Commissioner Caldwell suggested that since the Planning Commission Business meeting is September 6th and the Board of Zoning Appeals meeting is scheduled for September 10th it might be reasonable to not load up approval of the SUP with a lot of conditions but to wait for the variance hearing. Mr. Stidham stated that the new state code says the process has to be completed in 150 days. He said that this request if deferred will take us to December. He said that this would be the only deferral we could use. He said that we could request that the Applicant to request a deferral in writing at the Business Meeting which means the Applicant is doing it voluntarily to extend the time line.

Boundary Line Adjustment BLA-19-06
Maureen Albrecht / Rebecca and Curtis Fockler

Mr. Fincham stated that the Applicant is requesting a Boundary Line Adjustment for the property identified as Tax Map #3-A-3C and #4-A-2A located on Old Charles Town Road. He said that Lot 3-A-3C is currently 3.9750 acres with an addition of 0.5000 acres from Tax Map #4-A-2A the adjusted area will be 4.4750 acres. He said that Tax Map #4-A-2A is currently 53.2272 acres and is being adjusted by 0.500 acres less making the total acreage 52.7272 acres. He said that the Clarke County Subdivision Ordinance states that a Boundary Line Adjustment where a residential lot (less than 20 acres in size) is increased in size and an agricultural lot (20 acres in size or larger) is decreased in size are not permitted except for 3 exceptions. He said that one exception states that upon application, the Commission may permit Boundary Line Adjustments exceeding the area limitations (3 acres). He stated that a Land Evaluation and Site Assessment (LESA) score was calculated for the agricultural Lot (Tax Map #4-A-2) proposed to be decreased in size. He said the score was 67.58. He said the properties between 40 and 129.99 acres in size the LESA rating shall be 68% or more to be designated as Important Farmland. He stated that the agricultural land is considered low quality. He stated that Staff has reviewed the site and the half acre adjustment area is minimal, is not used for agriculture, and physically is not suited for agriculture. He said that Staff recommends approval of a Boundary Line Adjustment for the properties identified as Tax Map #3-A-3C and #4-A-2A.

NEW BUSINESS ITEMS

Discussion, Economic Development Strategic Plan Five-Year Review

Commissioner Bouffault stated that at the August 19th Comprehensive Plan Committee Meeting, Mr. Stidham had provided us information that he was going to table this item until he completed the Ordinance project. She said that would be fine but she was concerned because that is not the impression I had nor was it of Len Capelli. She said she went back through minutes and found what the Board of Supervisors said and she wanted to pass it out to the Commission. She said this will give us some direction on what we are going to do. She said that in the Board of Supervisors packet from May 7, 2018 you will see what was done. She said they had a discussion concerning the Strategic Plan Matrix and what they needed to do. She stated that on the second page on the top paragraph it states “in subsequent discussion, the Board concurred on tasking review and recommendation of the Economic Development Strategic Plan to the Economic Development

Advisory Committee (EDAC) and the Industrial Development Authority (IDA). Final recommendation from these bodies presented to the Planning Commission for its consideration”. She stated that this was done 15 months ago. She said she thinks what this is meant to be was their final recommendation, not for the old plan but for the new five year plan. Chair Ohrstrom stated that the work is fine, he was just wondering because he had lunch with some people on the IDA and they said that they had not had time to go over this yet and he thought we should have their buy in before moving forward. Commissioner Bouffault asked who told him that. Chair Ohrstrom said that William Waite and Turner Kobayashi told him that have not had a chance to see it and they would like to weigh in on it. Mr. Capelli said that Mr. Kobaysahi is not on the IDA he is on the Berryville Main Street Board. She said that in June 2019 she received an email asking for comments on the plan they were jointly doing and it was sent out to everyone and she was the only person that responded to it. She said that there is a revision in the paperwork she handed out that was done on May 15, 2019 and the EDAC, IDA and the Director of Economic Development of Tourism was present at this meeting and as far as they are concerned it is approved. She said her concern is that Mr. Stidham has a tremendous amount of work and she would like to see this off our plates. She said that everyone has had a chance to look at the plan. She would like to get it on the Friday Agenda to set public hearing then have the hearing at the next PC meeting which would take us into October. She stated that if all goes well we give our blessing to it and then pass it to the Board of Supervisors.

Mr. Stidham stated that all of the component plans have been updated and two new ones have been corrected. He said that the Planning Commission is the keeper of the Comprehensive Plan and all of the implementing component plans. He stated that it is up to the Commission as a group on how you want to deal with these plans. He said that on Friday he will provide copies of the information from Mr. Capelli and they have the information from Commissioner Bouffault for the Commission to review. He said there will be nothing required to do in September and what we are shooting for is October.

Other Business Items

Mr. Stidham stated that on the Agenda for Friday we are adding the Strategic Plan Five Year Review as a new item using the same wording from the Work Session Agenda.

Mr. Stidham said that the Ordinances Committee has already had two of their work session meetings. He stated that the Ordinances Committee is going to be meeting again after the Planning Commission Business meeting on Friday and they will have one more potential meeting. Mr. Stidham asked if there were any more questions.

Commissioner Kreider said that he wanted someone to explain to him about the government emails we are supposed to be getting. Chair Ohrstrom stated that is a very good point. Mr. Stidham stated that information will be coming from County Administration.

The meeting was adjourned at 4:07 p.m.

George L. Ohrstrom, (Chair)

Debbie Bean, Recording Secretary