



# Clarke County Planning Commission

Meeting Minutes - Work Session

Wednesday, November 4, 2020 – 3:00PM

Berryville/Clarke County Government Center – Main Meeting Room

ATTENDANCE:			
George L. Ohrstrom, II (Chair/Russell)	✓E	Pearce Hunt (Russell)	✓
Randy Buckley (Vice-Chair/White Post)	✓	Scott Kreider (Buckmarsh)	✓
Matthew Bass (Board of Supervisors)	✓	Douglas Kruhm (Buckmarsh)	X
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	✓	Doug Lawrence (BOS alternate) <sup>1</sup>	✓

E – Denotes electronic participation

<sup>1</sup> – Participated in but did not serve as the Board of Supervisors alternate for this meeting.

**Notes:** George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic.

**STAFF PRESENT:** Brandon Stidham (Director of Planning), Jeremy Camp (Temporary Planner/Zoning Official), Chris Boies (County Administrator)

**CALL TO ORDER:** By Vice-Chair Buckley at 3:00PM.

## 1. Approval of Agenda

The agenda was approved by consensus as presented by Staff.

## 2. Review of Agenda Items for November 6, 2020 Business Meeting

### Approval of Minutes

Mr. Stidham noted the draft September 29 Work Session and October 2 Business Meeting minutes for consideration and asked members to let Staff know if they found any typos or had other concerns.

### Public Hearing – Revised 2020 Recreation Component Plan for Clarke County, Virginia

Mr. Stidham said that the only changes made by Ms. Teetor since the Commission's last review of the draft were of a typographical nature. Chair Ohrstrom asked if Staff has received any feedback from the public on the draft Plan. Mr. Stidham said that only one comment has been received from a former Commissioner who thinks it is an outstanding document.

Prior to reviewing the minor subdivision applications, Mr. Stidham stated that Senior Planner/Zoning Administrator Ryan Fincham has accepted new employment. He introduced Jeremy Camp who will be serving on a temporary basis to assist with the department workload while the search for a permanent replacement for Mr. Fincham is conducted.

MS-20-04, Aaron Sims

Mr. Stidham reviewed the Staff Report for this minor subdivision application. He stated that Staff is recommending approval of the application and that there are no outstanding issues that would warrant a conditional approval from the Commission.

Commissioner Kreider asked about the building in the woods shown on the residue lot. Mr. Stidham replied that he believed it is an outbuilding of some kind but would find out more information. Commissioner Caldwell asked about resistivity test approval. Mr. Stidham replied that resistivity has been approved for both the reserve area for the two-acre lot and for the drainfield and reserve area on the residual lot. Commissioners had no additional questions.

MS-20-05, Todd & Barbara Johnson

Mr. Stidham reviewed the Staff report for this minor subdivision application. Chair Ohrstrom asked if the applicant has to merge the existing lots first before the minor subdivision can be approved or can they do both transactions simultaneously as shown on the plat. Mr. Stidham replied that approval of both the merger and minor subdivision can occur simultaneously. Commissioner Lee asked how the merger would affect the dwelling unit rights (DURs). Mr. Stidham replied that the DURs were already used for the existing houses and there are no unused DURs that would be available on the resulting lots. Mr. Stidham added that Staff recommends approval and that there are no outstanding issues that would warrant a conditional approval from the Commission. Commissioners had no additional questions.

CA-20-03, Robert Claytor / Todd Shenk

Mr. Stidham reviewed the Staff report for this certificate of appropriateness application. He stated that Staff recommends approval of the request and Commissioners had no questions or comments.

**3. Old Business Items**

Capital Improvement Plan

Mr. Boies stated that the Capital Improvement Plan (CIP) is a plan that outlines the County's capital needs for the next five years. He said the cost threshold for a project to be included in the CIP is \$50,000 and that part of the CIP review includes whether the projects are in conformance with the Comprehensive Plan. He said that as the CIP process evolves he hopes to add the capital project requests from the Schools and the Clarke County Sanitary Authority to the CIP and perhaps projects from the Virginia Department of Transportation's (VDOT) Six-Year Plan so that the CIP will be a single document for all future County capital needs. He noted through this process that it is clear that we do not collect data in a manner to justify project need and that improvements will be made in this area. He also said that a space study will need to be done for the Health Department, Social Services, and potentially Northwestern Community Services Board to identify the specifications for that building which is identified in the CIP as a Health and Human Services building. He added that they are also working on better pricing estimates for the projects. Mr. Boies then reviewed the list of proposed projects.

Mr. Stidham reviewed Planning Staff's memo evaluating the proposed CIP projects and their degree of conformance with the Comprehensive Plan and applicable implementing component plans.

Mr. Boies asked the Commissioners if they had any questions. He added that Staff is requesting the Commission to make a formal recommendation on the draft CIP and that the recommendation will be presented to the Board of Supervisors.

Commissioner Bass asked whether the draft cost numbers skew on the high end and Mr. Boies replied maybe in some cases. Mr. Boies added that some of these projects will not be funded 100% from public funds and that partnerships will be sought to share funding. He also said that the County's goal is to pay cash for capital projects and it is necessary to start identifying these needs and setting aside funds to pay for them in the future.

Mr. Stidham said that if the Commission is comfortable with the draft CIP, we could add an item to the November 6 Business Meeting agenda for the Commission to vote on a formal recommendation to the Board. In regards to the proposed Social Services Building, Chair Ohrstrom said that locating it in one of the two incorporated towns should be a requirement in order for the project to be consistent with the Comprehensive Plan. Mr. Stidham agreed and noted that it would have to be located in an area designated for development. Mr. Boies replied that he also agreed and that they fully intend to find a location that is served by public water and public sewer. Commissioner Caldwell asked Mr. Boies when he will be presenting the CIP to the Board of Supervisors and whether he will need the Commission's recommendation at that time. Mr. Boies replied that he would prefer that the CIP be reviewed and approved by the Board no later than the December Board meeting since the operating budget review process will start in January and the CIP's Year 1 projects are included in that review. Commissioner Caldwell asked Mr. Boies if he would wait to present the draft CIP to the Board until the Commission has provided a formal recommendation, and Mr. Boies replied yes. Commissioner Kreider said that he would rather consider action at the December Commission meeting to have more review time. Mr. Stidham said that he will place this on the December Business Meeting agenda as an action item. Commissioners agreed and Mr. Boies invited Commissioners to let him know if they have any questions or concerns as they are reviewing the materials. Chair Ohrstrom asked whether the Commission's approval of a draft CIP valid for five years. Mr. Boies replied that the Commission will review the CIP every year at this time to consider the changes to existing and proposed projects for the upcoming five-year period.

#### **4. New Business Items**

##### Discussion – Conditional Approvals

Mr. Stidham reviewed the Staff memo and draft Planning Commission Conditional Approval Policy for the Commission's consideration.

Chair Ohrstrom thanked Staff for their work on the draft Policy and said that it provides clarity for applicants and the Commission in determining when a conditional approval may be warranted. Mr. Stidham added that the Commission always has a failsafe with the Chair signing the final approval and if the Chair has concerns, they can always refuse to sign the final approval and ask for it to be reviewed again by the Commission. Commissioner Lee asked how sending an application back to the Commission for review would affect statutory deadlines. Mr. Stidham replied that he would envision such a scenario arising if an applicant made a substantive change after Commission approval, in which case he would likely interpret to be a resubmission subject to a new review clock. Chair Ohrstrom added that the applicant could also accept a delay in the review clock if needed.

Commissioner Caldwell said that she has concerns that the policy may be more rigidly interpreted than the Commission would like and that a conditional approval would be required if the policy provisions are met. Mr. Stidham suggested adding “, at its sole discretion,” between the words “may” and “grant.” Commissioner Caldwell said that change would address her concerns. Commissioner Bass added that this policy would help to provide clearer direction to Staff and Mr. Stidham agreed. Commissioner Lee noted

that this would help applicants with a small technical issue that does not warrant being held up for a month.

Commissioner Caldwell asked where this policy would reside and if it would go into the Zoning Ordinance. Mr. Stidham replied that this is an operating policy and would not go in the Zoning Ordinance and have the weight of law. He did suggest adding it to the Commission's Rules of Order. Commissioner Kreider said that if we adopt the policy, he wants to see it used as little as possible. Mr. Stidham added that this could be used to encourage an applicant to meet a deadline because Staff could use the policy to show that they will not meet the requirements for a conditional approval. Commissioner Bass noted that the policy should reside somewhere so that applicants can access and review it.

Commissioners agreed to add this as a new item to the November 6 Business Meeting agenda for action. Mr. Stidham said that he will also look at adding it to the Rules of Order which the Commission will discuss at their Organizational Meeting in January.

**5. Other Business**

None

Mr. Stidham noted that the Policy & Transportation Committee will be meeting next if any Commissioners wanted to stay and observe that meeting.

**ADJOURN:** The Work Session was adjourned by consensus at 3:42PM.



Brandon Stidham (Clerk)