

CLARKE COUNTY PLANNING COMMISSION
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June 29, 2021 Work Session
July 2, 2021 Business Meeting

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Clarke County Planning Commission

AGENDA – Work Session

Tuesday, June 29, 2021 – 3:00PM

Berryville/Clarke County Government Center– Main Meeting Room

- 1. Approval of Agenda**
- 2. Review of July 2, 2021 Business Meeting Agenda Items**
 - A. Zoning and Subdivision Ordinance Update Project
 - (1) Proposed minor edit to Section 6.2.4 (Administrative Site Development Plan)
 - (2) Completion of Public Hearing and Final Action
- 3. Old Business Items -- None**
- 4. New Business Items**
 - A. Mid-Year Review of Project Priorities List
 - (1) 2021 Project Priorities (Revised Draft)
 - (2) Agenda Items for Remainder of 2021
 - (3) Draft Timeline for Completion of Comprehensive Plan and Upcoming Component Plan Reviews
- 5. Other Business**
- 6. Adjourn**



Clarke County Planning Department

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TO: Planning Commission

FROM: Brandon Stidham, Planning Director

**RE: Final Action on Zoning and Subdivision Ordinance Update Project
(TA-21-02); Proposed Staff Edit to Draft Zoning Ordinance**

DATE: June 21, 2021

The July 2 Business Meeting will be the first opportunity for the Commission to consider final action on the Zoning and Subdivision Ordinance Update Project in the form of a formal recommendation to the Board of Supervisors. The Commission is scheduled to resume the Public Hearing that was continued at the June 9 Special Meeting and can choose either to complete and close this Public Hearing or to continue it to the September 3 Business Meeting. Once the Public Hearing is concluded, a motion will need to be passed to recommend adoption of the revised Ordinances to the Board.

Staff has identified one minor edit for the Commission's consideration, specifically to Section 6.2.4 (Administrative Site Development Plan) of the revised Zoning Ordinance (see attached). This section describes the review process for changes to a site development plan that are not of a material nature and are acted on by the Zoning Administrator instead of the Commission. The minor edit is necessary to clarify proposed language in Section 6.2.4A which describes examples of material changes that would not qualify an application for the administrative site development plan review process. Should the Commission accept the proposed edit, language can be included in a draft motion to recommend adoption of the draft Ordinances that references the edit to Section 6.2.4.

Staff currently is not proposing any other changes to the revised Ordinances. It should be noted that David Moore spoke at the June 9 Public Hearing to express concerns about the reduction in the maximum number of customers allowed onsite in conjunction with an approved home occupation. Staff provided additional information regarding why this requirement was changed in an email on June 10 – a copy of this email is included for your reference. Staff does not recommend any changes to the proposed home occupation regulations in response to the expressed concerns however this is ultimately a policy decision for the Commission to consider.

Staff recommends that the Commission discuss any final issues or concerns at the June 29 Work Session so that Staff may address them and make any final changes (if necessary) for the Commission's consideration at the Business Meeting. For your reference, draft sample motions are enclosed for use on July 2 if the Commission is ready to provide a formal recommendation to the Board at this time. Please contact me if you have questions or concerns prior to the upcoming meetings.

PROPOSED STAFF EDIT TO DRAFT ZONING ORDINANCE

(Changes in red font, new language in bold italics, strikethroughs where necessary):

6.2.4 Administrative Site Development Plan (ASP)

A. When Required. Additions and modifications to buildings, structures, or uses, whether or not previously approved by site development plan, may be reviewed in accordance with the administrative site development plan process at the Zoning Administrator's discretion. Such additions or modifications shall not constitute material changes to the previously approved site development plan. *Examples of material changes including include* but *are* not limited to:

- Changes requiring review by the Virginia Department of Transportation.
- Land disturbance requiring submission of an erosion and sediment control plan in accordance with [Code of Clarke County Chapter 148 \(Erosion and Sediment Control\)](#) or review of stormwater management features by the Department of Environmental Quality.
- Changes that require provision of additional parking, landscaping, or outdoor lighting controls.
- Change of use.

Zimbra**bstidham@clarkecounty.gov**

Follow-up from 6/9 Public Hearing

From : Brandon Stidham <bstidham@clarkecounty.gov>

Thu, Jun 10, 2021 11:22 AM

Subject : Follow-up from 6/9 Public Hearing**To :** Bass, Matthew <matthew.bass@clarkecounty.gov>, Caldwell, Anne <rvfllc@gmail.com>, Glover, Bob <gloverbob@yahoo.com>, Kruhm, Doug <dmkruhm@gmail.com>, Lee, Frank <frlee1@verizon.net>, Malone, Gwendolyn <gwen.malone@rocketmail.com>, Ohrstrom, II, George <glo2@me.com>, Buster Dunning <buster.dunning@clarkecounty.gov>, Doug Lawrence <dlawrence@clarkecounty.gov>, Pearce Hunt <pearce.hunt@clarkecounty.gov>, Randy Buckley <randy.buckley@clarkecounty.gov>, Scott Kreider <scott.kreider@clarkecounty.gov>**Cc :** Jeremy Camp <jcamp@clarkecounty.gov>, Kristina Maddox <kmaddox@clarkecounty.gov>

Good Morning,

Following up with some additional information regarding public hearing speaker David Moore's comments last night regarding our home occupation regulations.

To recap, Mr. Moore has a home occupation permit for a photography business (18623 Blue Ridge Mountain Road, zoned FOC) with customers coming to his property for photography sessions. Under current Zoning Ordinance Section 3-C-2-n-7 and based on the size and zoning of his property, Mr. Moore is currently allowed to have a maximum of 24 clients onsite at any one time but can only have more than 6 clients at a time a maximum of two days per month. He is concerned about the change proposed in the revised Zoning Ordinance (see Home Occupation use regulation #5, p. 5-17) that would lower the maximum number of onsite clients/customers at any one time to 12 in the FOC District but would remove the limitation that more than 6 clients/customers onsite can occur only two days per month. If the proposed change is adopted in its current format, Mr. Moore's home occupation permit would become nonconforming but he would be allowed to continue hosting up to 24 clients at a time no more than twice per month. Mr. Moore indicated last night that he plans to construct a new home on an adjacent lot in the future and move the home occupation to that residence which would require a new home occupation permit to be issued under the new regulations with the maximum cap at 12 clients onsite at any one time. He would, however, not be limited to having more than 6 clients onsite only two times per month. He also would not be limited to conducting offsite photo sessions on properties where such activities are allowed to take place such Blandy, Bear's Den, etc. Mr. Moore did indicate that this would reduce his business because he has client groups for reunion photos of up to 24 people and also uses his property as the backdrop for the photo sessions.

As we noted, the Ordinances Committee and Staff have recommended this change to reduce the potential impact of clients/customers making an onsite visit to a home occupation. The current rule sets the maximum at 24 customers/clients onsite at any one time but does not establish a maximum total number of customers/clients that can be onsite in a single event day. While home occupations with large numbers of onsite visits are very rare (Mr. Moore's business is the only such home occupation permit issued in recent years), allowing onsite customers at that maximum level could have potential adverse impacts on surrounding properties. As a maximum intensity example, a permit holder offering eight instructional classes in one day to a maximum of 24 students per class, with each student arriving in a separate vehicle, would generate 384 vehicle trips for the day (with a "trip" being one arrival to or one departure from the property). Even a permit holder offering four classes in a day to a maximum of 12 students per class would generate 96 vehicle trips for the day. The standard metric for an average household's traffic is 10 trips per day.

Generally speaking, the County's by-right allowance of limited commercial assembly activities as a home occupation, both the current and proposed regulations, is relatively lenient compared to most localities. As a rule of thumb, home occupation regulations are designed to allow limited business uses to operate from home that do not exceed typical single-family residential activity or alter the appearance of the residence -- neighboring property owners and passersby should not be able to discern that a business activity is occurring at the residence. While there have not been complaints regarding the intensity of customer visits to home occupations in recent years, the concern remains that the generous allowance of onsite customer activities is inconsistent with the objective of home occupation regulations and the proposed change in the referenced rule is an attempt to improve upon such consistency.

Please let staff know if you have additional questions or concerns with a reminder to not "reply all." We can also discuss this issue as a group at the June 29 Commission work session.

Thanks much,
~Brandon

--

Brandon Stidham
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TO: Planning Commission

FROM: Brandon Stidham, Planning Director

RE: Mid-Year Review of Project Priorities List; Agenda Items for Remainder of 2021; Draft Timeline for Upcoming Comprehensive Plan and Component Plan Reviews

DATE: June 16, 2021

For the past few years, the Commission has conducted a mid-year review of the Project Priorities List that was adopted at the January organizational meeting. Staff has prepared a draft revision of the Priorities List for your review (see attached). You will note that Staff has added the short-term residential rentals text amendment issue to the Priorities List. This issue was deferred earlier in the year until work on the Ordinance Update Project is complete. Staff plans to reintroduce this topic at the September Work Session with another alternative text amendment approach. Discussion could continue at the October Work Session with an action item at the October Business Meeting to schedule public hearing on the text amendment for the November Business Meeting.

No other new priorities have been added to the list and all additional changes reflect the current status of the projects (edits in red font). Staff is looking for a consensus from the Commission to move forward with this revised Priorities List.

In the process of updating the Priorities List, Staff also developed a preview list of agenda items that we plan to present for the remainder of the calendar year (see attached). This list presumes that the Commission will be finished with work on the Ordinance Update Project in July and does not factor in any potential applications that may be filed for the Commission's review or other workload priorities which may arise. Highlights of the list include:

- Discussion and action on the short-term residential rentals issue as described above.
- Comprehensive Plan Review and Update – The Comprehensive Plan Committee worked extensively on this project in late 2020 and suspended further work in early 2021 as activity resumed on the Ordinance Update Project. The Committee completed initial work on Chapter II (Goals, Objectives, and Policies) and will resume monthly meetings in September with a review of this completed draft. The Committee will begin work on Chapter III (Implementing Components) with the goal of completing this review by the end of the year. Staff will work concurrently on Chapter I as final Census 2020

data is released. Ideally the full Commission would review a final draft in early 2022 with public hearing and adoption by Summer 2022.

- Component Plan Five-Year Review Resolutions – The Comprehensive Plan Committee will also be working on five-year review resolutions for the Waterloo Area Plan, Double Tollgate Area Plan, and Agricultural Land Plan. The Waterloo and Double Tollgate Area Plan resolutions are due by December so the Committee will work towards presenting a final draft of the resolutions to the full Commission in November so action can be taken by December. The Committee will also begin work on the Agricultural Land Plan resolution that is due in February 2022 – a final draft of the resolution is expected to be presented to the full Commission at the December Work Session.
- Agricultural and Forestal District Program Six-Year Review – The mandatory six-year review and renewal of the County’s Agricultural & Forestal District (AFD) program will begin in the Fall with a goal of final adoption prior to the district’s expiration in March 2022. This review will be conducted by the County’s AFD Advisory Committee and, per State Code requirements, the renewal must be reviewed by the Commission along with a required public hearing. The AFD program renewal is scheduled to be discussed at the Commission’s November Work Session with an action item at the November Business Meeting to schedule a December public hearing. A draft timeline of the full review process is included for your reference.
- Capital Improvement Program Annual Review –The annual review of the County’s Capital Improvement Program (CIP) will begin with a discussion at the November Work Session and final action by the December Business Meeting.

Other items include:

- Historic Preservation Commission (HPC) Chair Betsy Arnett is tentatively scheduled to attend the October Work Session to give an annual report on HPC activities and to discuss a potential text amendment to refine the regulations for demolition of structures in the Historic Overlay District.
- At the December Work Session, Staff will provide draft copies of materials to prepare the Commission for the January organizational meeting including the current by-laws, committee assignments, and project priorities list.

No meetings of the Policy & Transportation, Ordinances, or Plans Review Committees are currently planned or expected for the remainder of the year.

You will note that Staff has included an updated and modified Comprehensive Plan/Component Plan Review Schedule (dated June 15, 2021). Since reviews have already been initiated for the Comprehensive Plan and three component plans with more five-year review resolutions on the way, Staff has developed draft estimates for the review and update of all Plans over the next few years. These estimates are depicted graphically in a new review timeline chart (see attached). This chart depicts review projects in upcoming years divided into quarters through the end of

2024. Review projects are generally 12 months long and are depicted in the chart in three phases – Initial Research, Committee Meetings, and Outreach; Development of Working and Final Drafts; and Public Hearings and Adoption. The chart presumes that the Commission will initiate review on all upcoming Plans, although the Commission could decide to adopt a resolution that continues with a Plan in its current state for an additional five years because a review is not necessary.

You will also note from the timeline that Staff has grouped some component plans together for simultaneous reviews. This approach is proposed in order to take advantage of similar issues that will be discussed across different Plans. Plans are grouped as follows:

- 2022-2023 – Economic Development Strategic Plan, Waterloo Area Plan, Double Tollgate Area Plan, Berryville Area Plan. These Plans are grouped to take advantage of the discussions surrounding the challenges of managing growth and economic development in the incorporated and designated growth areas.
- 2023-2024 – Agricultural Land Plan, Mountain Land Plan, Village Plan. These Plans are grouped to take advantage of shared issues facing the County’s rural, unincorporated areas.

Staff is not looking for formal action by the Commission on the Plan review schedule and timeline but we do welcome your questions and comments. If you have any concerns before the Work Session, please feel free to contact me.

2021 PROJECT PRIORITIES – PLANNING COMMISSION
(DRAFT – mid-year update)

The list is intended to aid the Commission and Staff to ensure that work on critical projects is prioritized and completed in a timely fashion. Project start dates and priorities may be affected by the Commission’s zoning case load (e.g., special use permit applications, rezoning, site plans, subdivisions), text amendments, or other special projects requested by the Board of Supervisors.

1. **Comprehensive Review and Update of the Zoning and Subdivision Ordinances**
Planning Commission work is near completion with conclusion of the required public hearing and potential formal action at July 2 Business Meeting. Once a formal recommendation is forwarded to the Board of Supervisors, the Commission will need to remain on standby in the event that the Board has concerns or remands the revision for further work. Otherwise, the Commission’s work on this project will be completed.

2. **Five-Year Review and Update of Comprehensive Plan**

UNDERWAY – Work completed or in progress:

- Resolution was adopted by the Planning Commission on January 4, 2019 to initiate review of the Plan.
- An initial work plan for the update project was reviewed by the Committee and accepted by consensus.
- Comprehensive Plan Committee began work on June 22, 2020 with review of Chapter II’s Goals, Objectives, and Policies. *An initial draft of Chapter II has been completed by Staff and requires final review by the Committee. ~~Work on this task remains in progress.~~*

GOALS FOR 2021:

- Complete Task 1A – Committee review of current Chapter II (Goals, Objectives, and Policies) and Chapter III (Implementing Components) with drafting direction to be provided to Staff.
- ~~Complete~~ *Begin work on* Task 1B – Staff to update demographics, statistical data, and outdated text in Chapter I (General Information) *following release of all Census 2020 data expected in the Fall.*
- ~~Complete~~ *Begin work on* Task 2 – Develop initial draft of the revised Comprehensive Plan for evaluation by the full Planning Commission.
- ~~Further progress on this project in 2021 is contingent upon the workload necessary to complete the Zoning and Subdivision Ordinance Update project.~~

3. *Short-Term Residential Rentals Proposed Text Amendment*
This issue was tabled by the Commission at the February 5, 2021 Business Meeting pending completion of the Ordinance Update Project. Work is anticipated to resume in September with a goal of determining whether to schedule a Public Hearing and forward a formal recommendation on a text amendment to the Board of Supervisors in the Fall.

4 3. Five-Year Reviews of the Waterloo and Double Tollgate Area Plans

INCOMPLETE – Need to adopt a five-year review resolutions for both Plans by December 20, 2021. Assign task to Comprehensive Plan Committee in early Fall 2021.

5 4. Preliminary work – Five-Year Review of the Agricultural Land Plan

INCOMPLETE – The five-year review resolution for the Agricultural Land Plan will need to be adopted by February 21, 2022. Assign task to Comprehensive Plan Committee to begin work in late 2021.

6 5. Five-Year Reviews/Updates of the Transportation Plan and Economic Development Strategic Plan

INCOMPLETE -- The Commission adopted a resolution to initiate review of the Transportation Plan on January 4, 2019, and adopted a resolution to initiate review of the Economic Development Strategic Plan on October 4, 2019. Work should be delayed on these Plan updates until the review and update of the Comprehensive Plan is completed. The revised Comprehensive Plan will provide direction to inform the update of these two component plans.

7 6. Mountain Land Plan Update and Development of New Village Component Plan

INCOMPLETE – The Commission has not commenced work on evaluating the Mountain Land Plan for updating or development of a new Village Component Plan as recommended by the Comprehensive Plan. Work should be delayed on both projects until the review and update of the Comprehensive Plan is completed. The revised Comprehensive Plan will provide direction to inform the update of these two component plans. It should also be noted that work on both projects will likely be labor-intensive and are not recommended to be conducted while any other major projects are in progress.

~~NOTE—The five year anniversary of the most recent Berryville Area Plan update is May 17, 2021. Adoption of a five-year review resolution will be required by this date but will be considered by the Berryville Area Development Authority (BADA) and not the Planning Commission.~~

DRAFT

PLANNING COMMISSION AND COMMITTEE AGENDA ITEMS REMAINDER OF 2021

NOTE – Presumes Commission will be finished with the Ordinance Update Project in July.

SEPTEMBER

Work Session

- Short-term residential rentals text amendment (Work Session discussion)

Comprehensive Plan Committee Meeting

- Resume meetings on Comprehensive Plan Update – Review final Chapter II draft, begin work on Chapter III review
- Discuss 5-Year Review resolution for Waterloo and Double Tollgate Area Plans

OCTOBER

Work Session

- Historic Preservation Commission, appearance by Betsy Arnett – annual report, proposed demolition text amendment

Business Meeting

- **SET PUBLIC HEARING** -- Short-term residential rentals text amendment

Comprehensive Plan Committee Meeting

- Comprehensive Plan Update, Chapter III review
- Recommend draft 5-Year Review Resolutions for Waterloo and Double Tollgate Area Plans
- Discuss 5-Year review resolution for Agricultural Land Plan

NOVEMBER

Work Session

- Capital Improvement Program annual review discussion
- Discuss 5-Year Review Resolutions for Waterloo and Double Tollgate Area Plans
- Discuss Agricultural & Forestal District (AFD) Six-Year Review Process

DRAFT

Business Meeting

- **PUBLIC HEARING** – Short-term residential rentals text amendment
- **SET PUBLIC HEARING** – Agricultural & Forestal District (AFD) Six-Year Review Process

Comprehensive Plan Committee Meeting

- Comprehensive Plan Update, finish Chapter III review
- Recommend draft 5-Year Review Resolution for Agricultural Land Plan

DECEMBER

Work Session

- 2022 Organizational Meeting items
- Discuss 5-Year Review Resolution – Agricultural Land Plan

Business Meeting

- **ACTION ITEM** – Capital Improvement Program annual review
- **ACTION ITEM** – 5-Year Review Resolutions for Waterloo and Double Tollgate Area Plans
- **PUBLIC HEARING** – Agricultural & Forestal District (AFD) Six-Year Review Process

DRAFT TIMELINE

AGRICULTURAL & FORESTAL DISTRICT (AFD) REVIEW PROCESS

<i>July 2021</i>	Appointment of AFD Advisory Committee by Board of Supervisors (BOS).
<i>August 2021</i>	AFD Advisory Committee Kick-off Meeting. <ul style="list-style-type: none">○ Overviews AFD.○ Reviews additions and/or deletions received.○ Reviews Notifications & Outreach Materials to Landowners.○ Schedules Public Meeting.
<i>September 2021</i>	AFD Advisory Committee Public Meeting with landowners and any additional review meetings that may be needed prior to public hearing.
<i>October 2021</i>	AFD Advisory Committee Public Hearing to issue recommendation to BOS.
<i>November 2021</i>	Planning Commission (PC) Work Session.
<i>December 2021</i>	Planning Commission Public Hearing to issue recommendation to BOS.
<i>January 2022</i>	BOS receives recommendations from PC and AFD Advisory Committee.
<i>February 2022</i>	BOS holds Public Hearing to adopt.
<i>March 16, 2022</i>	Expiration of current AFD and beginning of the term for the renewed district.

Updated June 15, 2021

COMPREHENSIVE PLAN/COMPONENT PLAN REVIEW SCHEDULE

Plan	Last Adoption Date	Next 5-Year Review Deadline	Estimated Revision Start and Completion
Comprehensive Plan	March 18, 2014	5-year review initiated 1/4/2019	<u>Start</u> – Underway <u>Complete</u> – Summer 2022
Transportation Plan	March 18, 2014	5-year review initiated 1/4/2019	<u>Start</u> – Spring 2022 <u>Complete</u> – Winter 2022/2023
Berryville Area Plan	May 10/17, 2016	5-year review initiated 5/26/2021	<u>Start</u> – Spring 2022 <u>Complete</u> – Spring 2023
Economic Development Strategic Plan	October 21, 2014	5-year review initiated 10/4/2019	<u>Start</u> – Summer 2022 <u>Complete</u> – Summer 2023
Double Tollgate Area Plan	December 20, 2016	December 20, 2021	<u>Start</u> – Summer 2022 <u>Complete</u> – Summer 2023
Waterloo Area Plan	December 20, 2016	December 20, 2021	<u>Start</u> – Summer 2022 <u>Complete</u> – Summer 2023
Agricultural Land Plan	February 21, 2017	February 21, 2022	<u>Start</u> – Spring 2023 <u>Complete</u> – Spring 2024
Mountain Land Plan	June 21, 2005	Overdue	<u>Start</u> – Spring 2023 <u>Complete</u> – Spring 2024
Village Plan	Not started	Not applicable	<u>Start</u> – Spring 2023 <u>Complete</u> – Spring 2024
Historic Resources Plan	June 19, 2018	June 19, 2023	<u>Start</u> – Winter 2024 <u>Complete</u> – Winter 2025
Water Resources Plan	September 25, 2018	September 25, 2023	<u>Start</u> – Winter 2024 <u>Complete</u> – Winter 2025
Recreation Component Plan	December 15, 2020	December 15, 2025	<u>Start</u> – Spring 2026 <u>Complete</u> – Winter 2026

Yellow – Scheduled for review (initiated by 5-year review resolution); Gray – 5-year review is overdue;
Green – 5-year review is due in future/Plan is currently in good standing; Orange – New Plan to be developed

COMPREHENSIVE PLAN AND COMPONENT PLAN REVIEW TIMELINE (JUNE 2021 DRAFT)

	2021	2022	2Q	3Q	4Q	2023	2Q	3Q	4Q	2024	2Q	3Q	4Q
Comprehensive Plan													
Transportation Plan													
Berryville Area Plan*													
Econ. Development Strategic Plan													
Waterloo Area Plan													
Double Tollgate Area Plan													
Agricultural Land Plan													
Mountain Land Plan													
Village Plan													
Historic Resources Plan													
Water Resources Plan													
Recreation Component Plan**													



Initial Research, Committee Meetings, and Outreach



Development of Working and Final Drafts



Public Hearings and Adoption

* -- Work to be done by Berryville Area Development Authority (BADA)

** -- Recreation Component Plan review would begin beyond the scope of this timeline (December 2025)



Clarke County Planning Commission

AGENDA – Business Meeting

Friday, July 2, 2021 – 9:00AM

Berryville/Clarke County Government Center – Main Meeting Room

1. **Approval of Agenda**
2. **Approval of Minutes**
 - A. June 1, 2021 Work Session
 - B. June 4, 2021 Business Meeting
 - C. June 9, 2021 Special Meeting

CONTINUED PUBLIC HEARING

3. **TA-21-02.** Proposed amendments to Code of Clarke County Chapters 161 (Subdivision of Land) and 188 (Zoning). Current Chapters 161 and 188 would be repealed and replaced with new Chapter 200 (Clarke County Zoning and Subdivision Ordinances) consisting of three Articles: Article I – Zoning Ordinance; Article II – Subdivision Ordinance; and Article III – Definitions
4. **Board/Committee Reports**
 - A. Board of Supervisors (Matthew Bass)
 - B. Board of Septic & Well Appeals (George Ohrstrom, II)
 - C. Board of Zoning Appeals (Anne Caldwell)
 - D. Historic Preservation Commission (Jeremy Camp)
 - E. Conservation Easement Authority (George Ohrstrom, II)
 - F. Broadband Implementation Committee (Brandon Stidham)

Other Business

Adjourn

UPCOMING MEETINGS:
September Work Session Tuesday, August 31 (3:00PM) Main Meeting Room
September Business Meeting Friday, September 3, 2021 (9:00AM) Main Meeting Room
<u>NOTE – NO COMMISSION MEETINGS IN AUGUST</u>



Clarke County Planning Commission

DRAFT MINUTES – Work Session

Tuesday, June 1, 2021 – 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)	✓
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	X	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	Doug Lawrence (BOS alternate)	✓ ¹

E – Denotes electronic participation

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

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

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

CALL TO ORDER: By Chair Ohrstrom at 3:03 PM.

1. Approval of Agenda

The agenda was approved by consensus as presented by Staff.

2. Review of June 4, 2021 Business Meeting Agenda Items

Mr. Stidham introduced the Planning Department’s newest member, Kristina Maddox, who is the the Office Manager and soon-to-be Office Manager/Zoning Officer.

Mr. Camp reviewed the first minor subdivision application, submitted by John Rose (MS-21-01) on 98 acres located at Withers Larue Road (Tax Map ID 4-A-5). The applicant wishes to create one 3-acre parcel from the AOC-zoned property which is mostly wooded, flat land. Resistivity testing was completed and approved. There were two issues identified by Staff which resulted in an initial deferral recommendation. One issue identified by VDOT was regarding the shared access easement proposed between the two parcels, which VDOT noted did not meet their specifications. Additionally, the plat includes a notation of an existing dwelling that turned out to be old ruins of a building which no longer exists. The two issues have been cleared and addressed and will be updated on the new supplementary report.

Mr. Camp reviewed the second minor subdivision application, submitted by Curtis Harvey (MS-21-02). The application was originally submitted by Mr. Harvey and approved by the Commission in 2006 when, at the time, there was discussion regarding the correct location of the access road. Mr. Harvey is now proposing to change the location of the access road from the eastern property line to the western property line. The justifications surrounding the change are: 1) the new road location is

a shorter distance to the property, and 2) will result in fewer amounts of tree removal. Commissioner Caldwell said she thought Mr. Harvey lived on the other side of Oak Leaf Lane and the lot across from him was vacant. She commented that she thought the house was constructed after the first approval in 2006. She also mentioned the smaller structures on the property which she thought might be too close to the original planned driveway. She was curious to know if those details were the reasons behind the decision change. Mr. Camp said the applicant's main reason is cost efficiency but also the fact that it would require less trees to be cut down. Commissioner Caldwell felt that was a reasonable argument to which Chair Ohrstrom agreed. Commissioner Lee asked Mr. Camp to confirm if the two property owners plan to have a shared driveway. Mr. Camp responded that the main entrance will be shared. Commissioner Lee asked if a shared driveway agreement would be required. Mr. Camp said it would be something they would have to do when they submit the deed for final approval that would lay out the terms of maintenance. Commissioner Caldwell and Commissioner Lee suggested that the agreement be a condition of approval. Mr. Camp said that it is something the Planning Department requires and is typically done outside of the Planning Commission. Mr. Stidham commented that the regulations changed after this subdivision was approved, noting that the total number of lots served by private roads include all private roads in the network. He added that lots can no longer be subdivided on private roads this way. He also said the shared driveway would not be an extension of a private road, it would be its own separate two-lot driveway. Mr. Stidham said we do not typically require maintenance agreements for driveways shared between two lots. He noted that would require a maintenance agreement for shared entrances that connect directly to a VDOT road.

Commissioner Bass noted that he would abstain from voting as he knows Mr. Harvey and that Mr. Harvey had reached out to him about the submission previously. Commissioner Bass said he commented in the conversation with Mr. Harvey that the submission would probably have to come through the Planning Commission. Commissioner Bass said he felt it would be appropriate if he abstained from voting.

Vice Chair Buckley asked how far the adjoining house is from the proposed new right-of-way. Mr. Camp said the dotted line on page 27 of 40 shows the building restriction lines which is where the setbacks are – at least 100-150 feet. Vice Chair Buckley said it was concerning that it was going to be closer to the neighboring house than it is to the house on the lot. Chair Ohrstrom said that since the maximum setback required is 100 ft, the proposed plan should suffice. It was suggested by the Commission that Staff include the approximate setback distance in the future. Mr. Camp noted the drawing may be deceiving and Commissioner Lee noted the lower part of the property is steep. Commissioner Lee also said that the septic field is required to be within 400 feet of the proposed house. Mr. Camp confirmed that Mr. Harvey has received the septic field and resistivity approval.

Staff recommends to proceed with the Planning Commission vote at the upcoming Business Meeting.

3. Old Business Items - Zoning and Subdivision Ordinance Update Project - Update on June 9 Special Meeting/Public Hearing and Public Outreach

Staff reminded the Commission of the Special Meeting to be held on Wednesday, June 9th at 6:00PM including the Public Hearing at 7:00PM regarding the Ordinance Project. The Public Hearing notice was published and ran on May 26, 2021 and will run again on June 2, 2021. As the Commission has requested that the public be allowed to ask questions at the hearing, Staff will prepare a draft explanation of rules that Chair Ohrstrom can read aloud at the Public Hearing. Mr. Stidham reminded

the Commission that they agreed not to take action on the June 9th Business Meeting and will continue the Public Hearing to the July 2nd Business Meeting. He also noted that this was also included in the Public Hearing notice. He reported that the project website was updated on May 17th with the documents that were reviewed in May. Facebook ads have been posted as of May 21st and the second ad ran June 1st. Additional Facebook ads will be posted leading up to the July 2nd meeting. Commissioner Caldwell asked about posting upcoming meeting details to the County website under “Events” or “Meetings” on the first page to better spread the word. Mr. Stidham agreed to look into the request and will also let the Commission know if they learn of any public interest in the upcoming meetings.

4. New Business Items – Berryville Area Plan Five-Year Review Resolution

Mr. Stidham informed the Commission that the Berryville Area Development Authority (BADA) met on May 26th and adopted their five-year resolution to initiate the review of the Berryville Area Plan. BADA plans to start the review in 2022 once all of the census information is released and is contingent on the Town and County staff’s workload.

Mr. Stidham stated that at the July meeting, Staff will review the mid-year work plan for the rest of the 2021 year. An updated spreadsheet that shows the status of the component plan reviews will be provided to the Commission by Staff.

5. Other Business

None

ADJOURN: The June 4 Planning Commission Work Session was adjourned by consensus at 3:31 PM.

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)



Clarke County Planning Commission

DRAFT MINUTES – Business Meeting

Tuesday, June 4, 2021 – 9:00AM

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)	✓E
Anne Caldwell (Millwood)	✓	Frank Lee (Berryville)	✓
Buster Dunning (White Post)	✓	Gwendolyn Malone (Berryville)	✓
Robert Glover (Millwood)	X	Doug Lawrence (BOS Alternate)	X

E – Denotes electronic participation

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

NOTE: George L. Ohrstrom, II and Douglas Kruhm participated electronically for health reasons.

STAFF PRESENT: Brandon Stidham (Director of Planning), Jeremy Camp (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

CALL TO ORDER: By Chair Ohrstrom at 9:00 AM.

1. Approval of Agenda

The Commission voted 10-0-1 to approve the June 4 Business Meeting agenda as presented by Staff.

Motion to approve the June 4 Business Meeting agenda as presented by Staff:			
Ohrstrom (Chair)	A YE	Hunt	A YE
Buckley (Vice Chair)	A YE (Moved)	Kreider	A YE (Seconded)
Bass	A YE	Kruhm	A YE
Caldwell	A YE	Lee	A YE
Dunning	A YE	Malone	A YE
Glover	ABSENT		

2. New Staff Member Introduction

Chair Ohrstrom welcomed new staff member, Kristina Maddox, to the Planning Department.

3. Approval of Minutes

The Commission voted 10-0-1 to approve the May 4 Work Session Meeting Minutes as presented by Staff.

Motion to approve the May 4 Work Session Meeting Minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE (Moved)	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT		

The Commission voted 10-0-1 to approve the May 7 Business Meeting Minutes as presented by Staff.

Motion to approve the May 7 Business Meeting Minutes as presented by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	ABSENT		

4. MS-21-01, John M. Rose

Mr. Camp presented the Staff Report for this request. He stated that Staff recommends approval of the 2-lot minor subdivision submitted by Mr. John Rose. All requirements have been met. VDOT has reviewed and approved upon Mr. Camp’s clarification of a previous dwelling that no longer exists. Commissioner Lee noted that on page 20 of 40, it states that resistivity test results were reviewed by Forrest Environmental Services. He said that this should be corrected to Terracon, the County’s Karst consultant.

The Commission voted 10-0-1 to approve minor subdivision MS-21-01 as recommended by Staff.

Motion to approve minor subdivision <u>MS-21-01, John M. Rose</u>, as recommended by Staff:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	AYE (Moved)
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	ABSENT		

5. MS-21-02, Curtis E. Harvey

Mr. Camp presented the Staff Report for this request. He stated that the requested change concerns two existing lots off Oak Leaf Lane, both of which consist of approximately 5.3 acres. The applicant is requesting to move the private access road from the east side of the property to the west side due to tree counts, topography, and the overall design of the roadway. This request has been approved by VDOT. He noted the original request to “zig-zag” the road on the eastern side of the property in order to reduce the number of trees to be disturbed. The owner has since formed a more environmentally

and financially friendly plan which is to move the road plan to the western side of the property. Commissioner Kruhm asked for clarification regarding whether or not the right of way that was originally proposed would be vacated. Mr. Camp confirmed that it would be removed/vacated. Chair Ohrstrom asked Staff to ensure the former road is vacated. Mr. Camp suggested to move to approve the request to vacate the existing approved right-of-way and to replace with the new right-of-way as shown on the plat.

The Commission voted 9-0-2 to approve minor subdivision MS-21-02 with vacated existing right-of-way to be replaced with right-of-way as proposed by the applicant.

Motion to approve minor subdivision <u>MS-21-02</u>, Curtis E. Harvey, subject to vacation of the existing right-of-way to be replaced with right-of-way as proposed by the applicant:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	AYE
Bass	ABSTAINED	Kruhm	AYE (Moved)
Caldwell	AYE (Seconded)	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	ABSENT		

6. Board/Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass stated that Doug Lawrence will serve as the Board’s representative to sort through various firms’ request for proposals (RFPs) regarding the court house complex. Additionally, the Board is planning for an upcoming work session to discuss the use of federal funds surrounding a strong Board and County focus on broadband and a push for funds for supporting the infrastructure.

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

Nothing new to report.

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell asked Mr. Camp for an update on the next steps in a recent resident violation and appeal. Mr. Camp commented that a second violation notice and 30-day grace period to come to correction was mailed to Mr. Legge. Should the resident not cooperate, the case will then go through the court system for enforcement. Mr. Legge contacted and notified Mr. Camp that he will submit a modification plan for the garage. Commissioner Caldwell asked if the plan submission would suffice and Mr. Camp noted that the plan would have to comply with the minimum setbacks and will have to be reviewed and approved by the Historic Preservation Commission (HPC) to ensure compliance with historic district criteria. Commissioner Caldwell stated that task did not seem easy to accomplish in 30 days to which Mr. Camp replied they felt Mr. Legge can be worked with as long as he is showing good faith steps. Chair Ohrstrom inquired about a building permit to make the changes and asked about the court system outcome. Mr. Camp said that you can get an injunction to have the building demolished but there are other possible outcomes.

Historic Preservation Committee (Jeremy Camp)

Chair Ohrstrom noted that Commissioner Kruhm wishes to withdraw his position from the Historic Planning Committee to better focus on his Commission role.

Mr. Camp stated that the HPC met on May 19th. There have been no further applications thus far. In addition to working on a variety of different site projects, one project to note is the CLG grant application was submitted to fund Maral Kalbian's new book. Furthermore, the HPC is finalizing a draft code amendment to establish demolition criteria in the zoning ordinance. There are currently certificates of appropriateness but they feel it does not fully address the issue should a resident wish to demolish a building. The draft will then be presented to the Commission at some time in the Fall this year.

Mr. Camp stated that the HPC's next meeting is on July 21st where they will host a luncheon to give out historic awards to citizens of Clarke County for both 2020 and 2021.

Chair Ohrstrom noted that the HPC and the Commission need to start thinking about the setback issues regarding Mr. Legge's garage.

Conservation Easement Authority (George L. Ohrstrom, II)

Chair Ohrstrom stated that there have been some legal issues going on but he does not wish to discuss the matters at this time.

Vice Chair Buckley did not have additional items to discuss.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said there is nothing new to report at this time. The next meeting is to be held on July 14th at 2:00PM.

7. Other Business

Commissioner Caldwell noted the whereabouts of Commissioner Glover who hopes to return to Virginia in August following completion of an out-of-state work assignment.

Mr. Stidham reminded the Commission about the Special Meeting on Wednesday, June 9th at 6:00PM with a staff presentation, followed by a Public Hearing at 7:00PM. Mr. Stidham will have instructions for Chair Ohrstrom to read aloud regarding the public comment period. Mr. Stidham will also have a draft motion to continue the public hearing to Friday, July 2nd at 9:00AM.

Mr. Stidham notified the Commission there was an inquiry from a member of the public surrounding the changes to the short-term rental properties in the draft. The resident was told this would be looked into in the Fall. Chairman Bass noted that Winchester has run into some issues recently with this and Chair Ohrstrom confirmed that the Commission will need to do some research before-hand.

ADJOURN:

The Commission voted 10-0-1 to adjourn the June 4 Planning Commission Business Meeting at 9:26AM.

Motion to adjourn the June 4 Planning Commission Business Meeting at 9:26AM:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE	Kreider	AYE (Moved)
Bass	AYE	Kruhm	AYE
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	ABSENT		

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)



Clarke County Planning Commission

DRAFT MINUTES – Special Meeting / Public Hearing

Wednesday, June 9, 2021 – 6:00PM / 7:00PM Public Hearing

Berryville/Clarke County Government Center – Main Meeting Room

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

E – Denotes electronic participation

¹ – 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 (Senior Planner/Zoning Administrator), Kristina Maddox (Office Manager/Zoning Officer)

CALL TO ORDER: By Chair Ohrstrom at 6:01PM.

1. Staff Presentation

Mr. Stidham presented the Planning Commission with a “Zoning and Subdivision Ordinance Update Project (TA-21-02)” PowerPoint presentation. There were no questions or comments from the Planning Commission during the presentation.

At the conclusion of the presentation, Mr. Stidham explained that a continued Public Hearing will be held on Friday, July 2nd at 9:00am and that no action is to be taken on the proposed ordinances at the current meeting. He also explained that the proposed text amendment will be reviewed by the Board of Supervisors following formal action by the Commission. The Board will then decide if they wish to hold a Public Hearing at a future meeting. Following the Board’s Public Hearing, they would then vote on whether or not to adopt the proposed new ordinances.

A brief recess was held following Mr. Stidham’s presentation at 6:59PM.

2. Public Hearing

Chair Ohrstrom opened the Public Hearing at 7:04pm on proposed text amendment TA-21-02, Proposed Amendments to Clarke County’s Zoning Ordinance Chapter 161 “Subdivision of Land” and Chapter 188 “Zoning.” These chapters are being repealed and replaced with new Chapter 200 titled “Clarke County Zoning and Subdivision Ordinances” that consist of “Article I Zoning Ordinance,” “Article II Subdivision Ordinance,” and “Article III Definitions.” He requested that anyone who speaks to state their name and address for the record. Speakers have a maximum of three minutes to address the Commission or ten minutes if representing a recognized group or a group of

citizens present for this Public Hearing. He said while the Commission typically does not address questions or engage in discussion with Public Hearing speakers, the Commission will hear questions posed by speakers given the nature and complexity of this text amendment. Planning Department Staff will attempt to answer speakers' questions during the Public Hearing and will also be available after the meeting should attendees have additional questions or require more extensive answers. He also said speakers are requested to address the Commission and not address the audience, answer questions from the audience, or engage in debate with anyone in the audience during the Public Hearing.

Speaker Evan McCarthy lives outside of Clarke County in Loudoun County and is speaking on behalf of the Piedmont Environmental Council. Mr. McCarthy acknowledged and commended Staff for quite an undertaking on this project and noted they have provided the public with ample resources to familiarize themselves with the proposed changes. The narrative summaries are useful and the new ordinances have been reorganized in a user-friendly format to provide a greater understanding of and adherence to Clarke's land development and land conservation practices. Mr. McCarthy voiced his support for the County's efforts to preserve current land use patterns and to leave the following regulations as is and not to change them as part of the update project – the lot size requirement, residential density, and scale of allowable development, the rules for allocating dwelling unit rights (DURs), the various zoning districts, county zoning map, and the zoning district classifications. Any proposed changes should build upon the existing ordinances that require environmental protection and in keeping with the previously mentioned regulations as is will ensure consistency with the County's comprehensive plan.

Speaker David Moore (18623 Blue Ridge Mountain Road) thanked Staff for their efforts on the new format of the ordinance. He said he read through the ordinances prior to moving to the area two years ago and has been in discussion with the Planning Department in order to be in compliance. Mr. Moore noted that he loves the agritourism addition and believes it will accomplish the County's goals as far as preservation. He also believes that the secondary dwelling situation will be helpful as well. While he does not wish to change what the county is, he said he does wish to propose maintaining one area in particular. He currently has two separate home occupations on his three parcels of land within his 70 acres. He had hoped to build a house on the vacant parcel in the future, however, if he does that he will have to apply for a new home occupation license and, in doing so, will be under the new rules. Under the revised proposal, the maximum number of people at the property is being limited to 12. Mr. Moore would like to better understand the reasoning behind this change, learn of documentation leading up to this change, and for the Commission to understand his and others' in this position – how it would limit his home occupation business in the future.

Mr. Stidham responded to Mr. Moore's question. He said that there was discussion early on in the project and that the current maximum number of attendees is 24. Residents can have this number constantly rotating throughout the day as long as they do not exceed 24 at one time. Staff and the Committee felt that number should be reduced to 12 to better correlate with the character of what home occupation is supposed to be. He noted there should not be any real evidence externally on the property or impacts nearby that would make neighbors aware that it is a home business.

Mr. Moore responded that one of his home occupations is a photo center and, at times, he has groups of more than 12 on his property for photo shoots such as family reunions. His property has historical

structures including stone walls that are used for the photo sessions. His wish is for the Commission to reconsider this limitation specifically for residents with large parcels of land.

3. Move to Continue Public Hearing

Commissioner Caldwell made the following motion:

I move to continue the Public Hearing for text amendment TA-21-02 and defer any action to the Commission’s next business meeting scheduled for Friday, July 2 at 9:00AM in the Government Center Main Meeting Room.

The Commission voted 8-0-3 on the motion.

Vote on Continuance of Public Hearing to the Commission’s next Business Meeting on July 2, 2021 at 9:00AM:			
Ohrstrom (Chair)	AYE	Hunt	ABSENT
Buckley (Vice Chair)	AYE (Seconded)	Kreider	AYE
Bass	AYE	Kruhm	AYE
Caldwell	AYE (Moved)	Lee	AYE
Dunning	ABSENT	Malone	AYE
Glover	ABSENT		

ADJOURN: The Public Hearing was adjourned by consensus at 7:17 PM.

George L. Ohrstrom, II (Chair)

Kristina Maddox (Clerk)

DRAFT MOTIONS

1. TO RECOMMEND ADOPTION AS PRESENTED BY STAFF:

I move that the Planning Commission recommend to the Board of Supervisors that it repeal current Chapter 188 (Zoning) and Chapter 161 (Subdivision of Land) of the Code of Clarke County, and replace with the adoption of proposed Chapter 200 (Clarke County Zoning and Subdivision Ordinances, text amendment TA-21-02) containing the following articles:

- Article I, Zoning Ordinance (Draft Version 6) including minor edits to Section 6.2.4 (Administrative Site Development Plan) as presented by Staff.
- Article II, Subdivision Ordinance (Draft Version 4).
- Article III, Definitions (Draft Version 6).

2. TO DEFER ACTION:

I move to defer action on TA-21-02 to the Commission's next Business Meeting scheduled for Friday, September 3 at 9:00AM in the Government Center Main Meeting Room.