

Clarke County Planning Commission

MEETING MINUTES – Business Meeting

Friday, February 4, 2022 – 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)	✓E
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)	X

E – Denotes electronic participation

NOTE: George L. Ohrstrom, II participated electronically due to health issues related to the current pandemic. Scott Kreider attended electronically due to personal reason.

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 9:01AM.

1. Approval of Agenda

The Commission voted 10-0-1 to approve the February 4, 2022 Business Meeting agenda.

Motion to approve the February 4, 2022 Business Meeting amended agenda:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Seconded)	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE
Dunning	AYE	Malone	AYE (Moved)
Glover	AYE		

2. Approval of Minutes

November 30, 2021 Work Session Meeting Minutes

Commissioner Caldwell noted a correction on page 3 of 30 within the first paragraph where it talks about the CIP and then the second paragraph talks about the Economic Development Strategic Plan. She said she thought it would make more sense if in the very first line of the second paragraph it clarified the Economic Development Strategic Plan and everywhere else it can be titled Strategic Plan. Chair Ohrstrom agreed. Mr. Stidham commented that the Economic Development Strategic Plan is used at the bottom of page 2. Commissioner Caldwell said it would be easier if it was right there and one did not have to go back and forth. Chair Ohrstrom agreed that it was confusing as the Strategic Plan is often referred to throughout the notes.

Commissioner Caldwell noted a correction on page 5 of 30 the second paragraph from the bottom or middle paragraph. She read “He said this would have the committee developing a full draft...by the end of March for the committee to review in April in hopes of presenting the full document to the Commission.” She suggested additional language such as “available to the Commission for review in May” be added.

Commissioner Caldwell read the second paragraph on page 30 of 30 where it reads “He said that the proposed changes to add language to allow the Chair serving as ex officio to serve as an alternate if there is a member absence that will help with quorum issues.” She said she thought correcting the sentence to “and that would help with quorum issues” would make more sense.

The Commission voted 9-0-2 to approve the November 30, 2021 Work Session meeting minutes as amended.

Motion to approve the November 30, 2021 Work Session Meeting minutes as amended:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	ABSTAINED	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE (Seconded)
Glover	AYE		

December 3, 2021 Business Meeting Minutes

Commissioner Caldwell noted a correction on page 2 of 30 in the first paragraph, second line of text that reads, “Mr. Camp provided Chair Ohrstrom asked if there had been any feedback regarding the public hearing.” Chair Ohrstrom commented that he had been the one to ask for feedback. The revised sentence should read “Chair Ohrstrom asked Mr. Camp if there had been any feedback regarding the public hearing.”

The Commission voted 9-0-2 to approve the December 3, 2021 Business Meeting minutes as amended.

Motion to approve the December 3, 2021 Business Meeting minutes as amended:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	ABSTAINED	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Seconded)	Lee	AYE (Moved)
Dunning	AYE	Malone	AYE
Glover	AYE		

January 4, 2022 Annual Organizational Meeting Minutes

Commissioner Caldwell said the second to last paragraph on page 16 of 30 needed a correction. Mr. Stidham suggested the verbiage read “He asked if someone could have a Country Inn and a couple of large short term residential rentals on the same lot. Mr. Stidham said we would require it to be a Country Inn otherwise it would be a loophole to some of those requirements.” Commissioner Caldwell agreed with the correction.

The Commission voted 10-0-1 to approve the January 4, 2022 Work Session/Organizational Meeting minutes as amended.

Motion to approve the January 4, 2022 Work Session/Organizational Meeting minutes as amended:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Seconded)	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE		

3. Administrative Application Reviews

Mr. Camp presented the minor subdivision **MS-22-01**, Lawrence R. & Sandy L. Garrison to the Commission.

Vice Chair Buckley asked whether a motion for deferral should be for a specific time such as the March Business Meeting or until such time as the application is resolved. Mr. Stidham replied that it can be deferred to the Business Meeting in March rather than such time. He said the applicant may request another deferral before the agenda is finalized.

The Commission voted 10-0-1 to defer the minor subdivision **MS-22-01**, Lawrence R. & Sandy L. Garrison to the Planning Commission’s March Business Meeting.

Move to defer minor subdivision, <u>MS-22-01</u> to the March Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Moved)	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	AYE		

4. Board and Committee Reports

Board of Supervisors (Matthew Bass)

Commissioner Bass announced Ms. Catlett as the new Vice Chair on the Clarke County Board of Supervisors.

Commissioner Bass said the Board of Supervisors honored Mr. Sammy Buckley in a resolution of recognition and appreciation.

Commissioner Bass stated the Board of Supervisors renewed the Agricultural and Forestal District for another six years.

Concerning short-term residential rentals, Mr. Stidham said the text amendment was taken to the Board with the cap of a maximum of ten occupants per rental period per lot regardless of the number of permanent residents that are on the lot. He said at one of the public hearings, a speaker noted that they have a house and a number of tenant houses on their lot that were occupied by permanent renters. He said that as the cap prohibited some from doing short-term residential rentals, the draft ordinance was redone to remove the cap of ten and establish a cap of a maximum of two dwellings that can be used for a lot. He said occupancy would continue to be driven by septic system capacity and building code requirements. He added that it would allow us to disregard any structures on the lot that are occupied by permanent residents and are not going to be used for residential rental purposes.

Mr. Stidham said the concept of short-term residential rentals will only allow one customer to occupy a property with a short-term rental and that could be one person or it could be multiple people renting together under the same rental agreement. Mr. Stidham continued that when there are lodging uses in AOC and FOC, the total rental activity proposed for the entire property will be reviewed. He said he thought this would be voted on in January but Mr. Mitchell had recommended some changes and suggested that the public hearing be re-advertised. He said the public hearing is scheduled for January 15th.

Chair Ohrstrom asked if the text amendment would have to come back to the Commission. Mr. Stidham replied that the text amendment would only be returned to the Commission if the Board of Supervisors decided to consider something the Commission had not previously vetted.

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

Chair Ohrstrom said there was a public hearing on January 28, 2022 about a blasting permit at the VDOT parking lot. He said they needed to fix the drainage-way and had applied for a blasting permit. He said he thought the blasting company was very responsive to all of the questions asked.

Mr. Stidham said the Board will be reviewing a second blasting plan application soon for a project that has already been conducted without prior approval. He said he found out about it through a complaint and when he contacted the contractor, they confessed to blasting. Mr. Stidham said they are requiring the contractor to go through the blasting process. As soon as everything is in order, it will go to the Board for review. Commissioner Glover asked if the complaints were from their neighbors. Mr. Stidham replied yes and noted that he believes notifications were sent out to adjacent property owners by the blaster as required by the State. He said the blaster claims he was not aware that Clarke had a blasting ordinance but that during conversations with Staff, the blaster knew there were certain parts of the County where it was prohibited. Commissioner Bass asked if there were any punitive repercussions for this. Mr. Stidham replied there is the equitable remedy of having them go back through the process or it could be turned over to the Commonwealth's Attorney and have it prosecuted as a misdemeanor violation. When asked by Commissioner Caldwell, Mr. Stidham replied that Staff decided to go the equitable route. Commissioner Glover asked if he does a lot of work in Clarke County. Mr. Stidham replied that the contractor did the blasting in the new development in town, however, the Town does not have a blasting ordinance. He said the contractor figured since the Town did not have blasting requirements that the County would not either.

Chair Ohrstrom commented that Mr. Royston had been out there prior to blasting and wondered if he could have advised them that a blasting permit was required. He said it is possible they were not aware they would be blasting at all at that point. He also added that Clarke is one of the few counties that have a blasting ordinance. Mr. Stidham said we have thought about adding a check box to our permit applications.

Vice Chair Buckley said it may not always be noticeable at first that blasting is needed. Commissioner Caldwell agreed that adding a proposed blasting checkbox to the application is a good idea and makes the applicant aware beforehand. Mr. Stidham said it would then allow us to take them the case directly to the Commonwealth's Attorney at that point.

Board of Zoning Appeals (Anne Caldwell)

Commissioner Caldwell said there is a variance coming up at the end of the month but she has yet to see the application. She asked Jeremy to update everyone on that and also the White Post garage. Mr. Camp met with Mr. Mitchell and confirmed that the Legge matter is going to trial on April 20th. Mr. Camp responded to Commissioner Caldwell's question that he was not certain if it was going to be a jury trial or not. He said their argument is based on whether or not the building inspector that inspected the footings authorized the location when he approved the footing inspection. He said he thought that was absurd as the inspector has no knowledge of location, only to inspect the building for building code requirements and compliance.

Mr. Camp noted that another application was received for a property at 214 White Post which will be presented to the BZA on February 28th. He said the applicants wish to add a front porch on front of the building that is a non-conforming structure and they plan to expand it so they need to get a variance. He said it has been approved by the Historic Preservation Commission Executive Committee and the applicants are now waiting to see if they receive the variance.

Historic Preservation Commission (Bob Glover)

Commissioner Glover said he attended his first meeting in January. He said the main focus of the meeting was regarding letters sent to owners of derelict buildings and how the County can work with them. He said the second topic was surrounding ground penetrating radar study northwest of the town, however, there was no conclusion as of yet.

Conservation Easement Authority (George L. Ohrstrom, II)

Chair Ohrstrom said the Conservation Easement Authority (CEA) concluded 2021 with approximately 400 acres under conservation easement.

Vice Chair Buckley added that they are having the annual Wingate MacKay-Smith conservation awards luncheon on February 11, 2022. He said the award is going to Chuck Johnson for his role in helping to set up the Easement Authority.

Mr. Stidham announced that Alison Teetor was rehired part-time at 15 hours per week to work with the Easement Authority for the next year-and-a-half.

Chair Ohrstrom said Piedmont Environmental Council (PEC) is writing an article of the County's easements that should come out sometime this month.

Broadband Implementation Committee (Brandon Stidham)

Mr. Stidham said the committee is on hiatus until the VATI grant fiber project kick-off. He said he has a call this afternoon to receive a project update.

Other Business

5. Agricultural Land Plan Five-Year Review Resolution

Mr. Stidham said that the draft resolution was presented at the last work session meeting and reiterated that the Commission is required by the State to review it every five years. He said that adoption of this resolution will put the Commission into compliance with that requirement. He said two issues were identified for review – potentially merging the Agricultural and Mountain Land Plans together and also to vet the issues of the form and scale of what we consider to be compatible agribusiness and agritourism.

The Commission voted 10-0-1 to adopt the resolution to initiate review of the 2017 Agricultural Land Plan.

Move to adopt the resolution to initiate review of the 2017 Agricultural Land Plan:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Moved)	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE	Lee	AYE (Seconded)
Dunning	AYE	Malone	AYE
Glover	AYE		

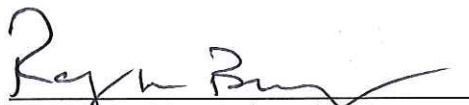
Adjournment:

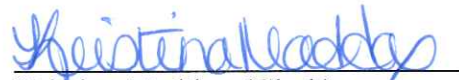
Chair Ohrstrom encouraged everyone to carefully read Chapters II and III of the Comprehensive Plan Committee’s work to see if there is anything that may need to be changed or corrected.

Mr. Stidham said the next Comprehensive Plan Committee Meeting is on February 17, 2022 and the next Policy & Transportation Committee Meeting will potentially be after the March 4th Planning Commission Business Meeting.

The Commission voted 10-0-1 to adjourn the February 4, 2022 Planning Commission Business Meeting at 9:37AM.

Move to adjourn the February 4, 2022 Planning Commission Business Meeting:			
Ohrstrom (Chair)	AYE	Hunt	AYE
Buckley (Vice Chair)	AYE (Seconded)	Kreider	AYE
Bass	AYE	Kruhm	ABSENT
Caldwell	AYE (Moved)	Lee	AYE
Dunning	AYE	Malone	AYE
Glover	AYE		


Randy Buckley (Vice Chair)


Kristina Maddox (Clerk)