

Clarke County Planning Commission

MEETING MINUTES – Work Session

Tuesday, March 29, 2022 – 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)	✓	Frank Lee (Berryville)	✓
Anne Caldwell (Millwood)	✓	Gwendolyn Malone (Berryville)	✓
Buster Dunning (White Post)	X	Doug Lawrence (BOS alternate)	X
Robert Glover (Millwood)	✓		

E – Denotes electronic participation

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 Mr. Stidham at 3:02PM.

Approval of Agenda

Commissioners had no additions to the March 29, 2022 agenda.

Review of April 1, 2022 Business Meeting Agenda Items

Mr. Stidham reviewed the April 1, 2022 Business Meeting.

Mr. Camp provided an overview of MS-22-02, Ray M. Pennington, III. Chair Ohrstrom asked about the conditional approval in the staff report that the code reference be corrected. Mr. Camp said there was an incorrect code reference that has since been corrected.

Mr. Camp reviewed the details of MS-22-03, L. Seven Farm L.C., c/o Thomas Moore Lawson, Manager. Chair Ohrstrom asked if there were any additional dwelling unit rights (DURs) remaining on Lot 2 to which Mr. Camp replied there were zero remaining. Mr. Camp noted that the subdivision meets ordinance requirements and Staff recommends approval. He added that this subdivision was the subject of conversation at the Policy and Transportation Committee meeting. He said this appears to be a phased approach to create a larger subdivision through multiple applications.

Commissioner Caldwell asked Mr. Camp to recap the application timeline of this property. In summary, Mr. Camp said there are several different minor subdivisions and boundary line adjustments that have been reviewed in the past. He said the original minor subdivision received a lot size exception for a 19-acre lot, keeping it residential. He continued that the applicant created a 3-acre parcel which was somewhere in the center of the property. He said with that exception, they were able to then come back later and do a boundary line adjustment between the two residential lots and adjusted them making the 3-acre lot bigger. He explained they took the extra land for the 19 acres and moved it into the 3 acres. Additionally, he said, they came back and did another boundary adjustment after that and incorporated

a large triangular parcel and reshaped it into Lot 3 which is the residue parcel (Tax Map 27-A-6) and created the easement off Featherbed Rd. He said they were not creating any new lots but they have these other parcels adjacent to it that they are adding in and reshaping the boundary lines. He explained that the end result is a subdivision where the lots are large 20-acre parcels. The Policy Committee, he noted, is discussing the intent of the maximum lot size requirements in the ordinance to require the 3-acre parcels for new building sites. He said he is not certain what the applicant's future plans are, however, it seems they can continue this property to the south, which has several DURs remaining. He said the Committee is considering the regulation dynamics between the boundary line adjustments between residential and residential and also between agriculture and agricultural lots which allow for this situation to occur. He said the Committee is trying to define exactly what the problem is, if it is a problem, and how it should be addressed.

Commissioner Caldwell commented that this situation is very similar to Rock Heaven Farm.

Mr. Stidham said we have created the regulations unique to Clarke County with set parameters in mind. He said we adopt regulations not only to create the results we want but also to provide relief for people to do different things like maximum lot size exceptions. He added if they are able to find other ways to use rules that we have created to produce an end result we do not like, it is up to the Commission to figure out if it is acceptable or not. He said this situation is currently being reviewed by the Policy Committee and they are working on potential solutions. He said in the next few months, the full Commission will receive language from the Policy Committee to review.

Commissioner Bass asked what the worst-case scenario would be in regards to DURs. Mr. Camp responded it would be the same number of DURs but the end result is that there is a subdivision of lots with large parcels versus several 3-acre parcels with one bigger residue tract. Commissioner Bass asked how many parcels that would be to which Mr. Camp responded potentially a dozen by the end of the process. Commissioner Caldwell commented Rock Heaven Farm was one big parcel divided up into 20-acre parcels through boundary line adjustments.

Mr. Stidham said for Subdivision Ordinance purposes a 20-acre lot is considered to be an agricultural lot but the Commission does not seem to think a 20-acre lot is agricultural lot which is something to reconsider.

Commissioner Kreider said, and Commissioner Caldwell agreed, that there is not much to be said or done regarding this minor subdivision. Commissioner Lee agreed that it meets all of the current criteria.

Commissioner Glover asked about two other parcels divided like this. Mr. Stidham replied there are unique characteristics such as multiple parcels with a pre-existing 6.5-acre lot that can be maneuvered with another large parcel with multiple DURs. He said that one would have to have the same mix all on common ownership in order to do this. Mr. Camp said it is only the second situation we have experienced like this. Commissioner Bass said it would be good to know from a policy perspective. Commissioner Glover asked what the owner is going to do with the lots. Mr. Camp said he claims it is for his family like a family subdivision.

Mr. Stidham concluded the review of the April 1, 2022 Business Meeting by providing an overview of TA-22-01, Unpaid Taxes and Charges. Commissioners had no questions or comments.

Old Business Items

Update, Revised Comprehensive Plan Review Schedule

Mr. Stidham said the Comprehensive Plan Committee is in the process of assembling a complete draft of the Comprehensive Plan. He said it is to be distributed on Friday for a review the following Thursday by the Committee. He announced that if the Committee is ready to move forward, the Commission will have the final draft for first review in the May work session meeting packet.

Mr. Stidham said the Comprehensive Plan Committee is going to start work on the Double Area Tollgate Area Plan which requires some significant changes to account for the efforts to extend water and sewer from Frederick County.

Chair Ohrstrom asked if there will be an alternate public hearing other than the July 1st Business Meeting at 9:00am in the event people are unable to attend the morning session. Mr. Stidham responded that we do not have to have a public hearing at the Commission's Business Meeting and can schedule it for another date and time. Commissioner Glover suggested having the public hearing prior to the work session so we can work on it afterward. Mr. Stidham said he would look at the advertisement dates first.

New Business Items

Discussion of Proposed Text Amendment, TA-22-01, Mergers and Dwelling Unit Right (DUR) Accounting

Mr. Stidham provided an explanation of mergers versus plat vacations. He said mergers happen when two or more existing lots are combined to create one single lot. Plat vacations, he explained, are rare but allow one to vacate a plat that is on record allowing it to return to an earlier configuration or old plat layout. Section 3.8, he said, covers Mergers and Vacations and what to do with rights once those maneuvers occur. He said instead of totaling the DURs after the merger or plat vacation, section 3.8 requires one to use the allocation table to determine how many DURs remain. He said not only can one potentially lose DURs through mergers but depending on the configuration of the lots, one could potentially gain DURs by following the allocation table.

The Policy Committee has been reviewing this and their recommendation is to add language to the ordinance to prevent the gain of DURs and continue to allow the loss of DURs. He said the text amendment is to say no lots resulting from a merger of lots shall have more dwelling units than the total number of dwelling unit price assigned to the lots prior to the merger. Chair Ohrstrom and Commissioner Caldwell agreed to add this to Friday's agenda to set Public Hearing.

Commissioner Bass asked if there was any way one could manipulate the system as it exists to go back and forth to continue generating DURs. Mr. Stidham provided an example of a subdivision off Lewisville Road where it has more lots than the original tract. He said it is highly unlikely there are other places in the County where that scenario could be replicated but that it could be done on a smaller scale. He said he would add this text amendment to the agenda for Friday's meeting to set Public Hearing.

Other Business

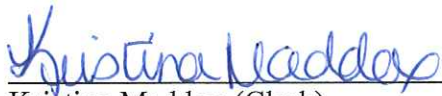
Distribution of 2021 Planning Department Annual Report

Mr. Stidham said a copy of the 2021 Planning Department Annual Report is in the packet for the Commission's review.

ADJOURN: The March 29, 2022 Planning Commission Work Session adjourned by consensus at 3:40PM.



Randy Buckley (Vice Chair)



Kristina Maddox (Clerk)